

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1857 of 2021**

- Rajesh Nair, S/o Sh. T.R. Ramchandran Nair, aged about 43 Years, R/o - C-32, Sector-1, Shankar Nagar, Housing Board Colony, Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through - Police Station Civil Line, District Raipur, Chhattisgarh.

Non-applicant

For Applicant	Shri B. Gopa Kumar, Advocate with Shri Himanshu Pandey, Advocate.
For State	Smt. Seema Dixit, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

23/03/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.61/2021 registered at Police Station Civil Line, Raipur, C.G. for the offence punishable under Sections 294, 323, 341, 384 & 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant- Mohd. Sirajuddin lodged a written report at police station Civil Line, Raipur alleging in it that he lives in front of Ashta Apartment in Shankar Nagar, Raipur and has been working in Housing Board, Raipur on the post of Estate Officer. On 04.02.2021 at about 7:30 pm when he was going for dinner, at that time present applicant obstructed

his way, demanded Rs.10 lacs from him, abused him filthily and assaulted upon him by hands and fists. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. The applicant is in jail since 05.02.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations against the applicant, detention period of the applicant, charge sheet has already been filed, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh