

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1559 of 2021**

- Ramesh Gupta, S/o Shri Kanta Prasad Gupta, aged about 47 Years, R/o Tarbahar, Bilaspur Thana- Tarbahar, Civil and Revenue, Distt.- Bilaspur (Chhattisgarh).

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station- Tarbahar, Distt.- Bilaspur (Chhattisgarh).

----Non-applicant

For Applicant	Shri Sumit Shrivastava, Advocate.
For State	Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

02/03/2021

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.214/2020 registered at Police Station Tarbahar, District Bilaspur, C.G. for the offence punishable under Sections 294, 323, 506 & 327 of Indian Penal Code.
2. Allegation against the present applicant by the complainant- Dinesh Kiskotta is that on 15.10.2020 at about 9:00 pm when he was on guard duty, at that time applicant came there in drunken condition, abused him filthily and threatened him to beat. On the next day i.e. 16.10.2020 at about 6:00 am applicant again came to him and demanded Rs.100/- for consuming liquor and when he refused to give the said amount, applicant assaulted him by hands and also

threatened him for life. On report to the above effect being lodged by the complainant, offence under the aforesaid sections were 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. He submits that the applicant is in jail since 17.10.2020, 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.
6. Considering the facts and circumstances of the case, the detention period of the applicant, who is aged 47 years, charge sheet has already been filed, the offence is triable by Magistrate, 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 for a 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