

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1691 of 2021**

Tilak Jangade S/o Bishesar Jangade, Aged About 28 Years,
R/o Village Choubeybandha, Police Station Rajim, District
Gariyaband Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police
Station Rajim, District Gariyaband Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate
For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**12.07.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 08.01.2021 in connection with Crime No.03 of 2021 registered at Police Station Rajim, District Gariyaband (C.G.) for commission of offence punishable under Sections 294, 323, 506 & 457 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 01.01.2021, present applicant entered into the house of the complainant Kamini Chelak, abused her in filthy language and also assaulted her on the ground that she made complaint against him that applicant is involved in selling of illicit liquor, on the basis of which, he was arrested on the commission of offence under Section 34(2) of the Excise Act. On the scream made by complainant, her father-in-

law, brother-in-law and mother-in-law came to their rescue and thereafter, applicant ran away. The incident was reported to the concerned police station, based upon which, instant crime was registered.

3. Mr. Shivendu Pandya,, learned counsel for the applicant submits that offences alleged against the applicant are bailable except the offence under Section 457 IPC. He submits that all offences are triable by Magistrate and applicant is in jail since 08.01.2021, hence, he may be enlarged on bail.
4. On the other hand, Ms. Anjali Singh Chouhan, learned P.L. for the State opposes the prayer for grant of bail and submits that applicant entered into the house of complainant in night and assaulted her. She further submits that there are as many as nine criminal antecedents against the applicant and he is habitual offender, hence, he may not be entitled for bail.
5. On putting specific query, she submits that as per report of applicant showing criminal antecedents against him shows that offence under Section 34(2) of Excise Act was registered on 27.05.2020. Offence under Gambling Act was registered in the year 2018 and other offences under Section 36(c) of Excise Act was prior to 2018.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against the present applicant, applicant is in jail 08.01.2021, offences are triable by Magistrate,

charge-sheet has been filed and the trial may take some time, without commenting on the merits of the case, I am inclined to enlarge the applicant on regular bail.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge