

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2144 of 2021

1. Manoj Kumar Sahu S/o Atma Ram, Aged About 37 Years, R/o Korba, Rudra Nagar Kharmora, Ward No. 31, Korba, Police Station City Kotwali, Korba, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Rajim, District Gariyaband (C.G.).

---- Non-Applicant

For Applicant : Mr. Ishwar Jaiswal, Advocate.

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

21/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 13/02/2021 in connection with Crime No. 18/2021 registered at Police Station Rajim, District Gariyaband (C.G.) for the offence punishable under Section 294, 506, 509(B) of Indian Penal Code and Section 66(E) & 67 of Information Technology Act.
- 3) Case of the prosecution in brief is that complainant, who is working on the post of Woman Health Worker, was married with the applicant and after one year of the marriage, the applicant started harassing her mentally and physically for selling the house at Rajim, which was in her name, for construction of a house at Korba and also for depositing her entire salary. On being refused by the complainant, the applicant abused her filthily, assaulted her and also threatened her of killing. Being fed

up with this ill-treatment, the complainant came back to her parental home at Rajim. However, on 11.1.2021 the applicant uploaded her semi-nude pictures on the social media – Whatsapp and Facebook and also threatened to kill her.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the dispute between the applicant and his wife/complainant has been amicably resolved, she had filed an application before the Trial Court for releasing the applicant on bail alongwith an affidavit and she has also filed an affidavit before this Court stating that she has no objection to release of the applicant on bail. He submits that the applicant has been arrested on 13/02/2021 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the detention period of the applicant who is 37 years old, the fact that the complainant has no objection to release of the applicant, she has filed an application for releasing the applicant on bail with affidavit before the Trial Court and also filed an affidavit to this effect before this Court, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 25,000/-** with one surety of Rs. 25,000/- 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant