

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2263 of 2021

- Tukeswar Sahu, S/o Thakur Ram Sahu, Aged About 23 Years, R/o Village Khalthedevri, Police Station and Tehsil Berla, District-Bemetara, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- District Magistrate, Bemetara, District- Bemetara, Chhattisgarh. **---- Non-Applicant**

For Applicant	:	Shri Rajkumar Pali, Advocate
For Non-Applicant/State	:	Smt. Deepti Shukla, Panel Lawyer

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

28.06.2021

1. First bail application of the present applicant was dismissed as withdrawn vide order dated 02.02.2021 in MCRC No. 9370 of 2020.
2. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 19.11.2020 in connection with Crime No.499/2020 at Police Station-Berla, District-Bemetara (C.G.) for the offence punishable under Section 394 of IPC.
3. Case of the prosecution, in brief, is that on 18.11.2020 after receipt of '*Jivan Yatra Parivar Samiti*' prize money Rs. 20,000/- the complainant alongwith his friends departed for village Amora, near Kharra Village, beside road at about- 03.30 p.m. in the Garden, the complainant party were discussing with each-other, at that time, the present applicant having walky-talky (handheld transceiver) and beer-bottle in hands, came to the complainant

party, pretending himself as Policeman, committed *marpit* with the complainant and forcefully looted cash of Rs. 20,000/- and one mobile handset worth of Rs. 14,000/-.

4. Learned counsel for the applicant submits that the allegations against the present applicant are false and fabricated, he is falsely implicated in the case. He submits that applicant/accused is first offender, he has no criminal antecedents and there is no likelihood of the applicant tampering with the prosecution evidence or absconding. The applicant is in jail since 19.11.2020, conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
5. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
6. Having heard learned counsel for the parties, having regard to the fact and circumstances of the case, nature of allegation, detention period of the applicant, who is 23 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to Covid-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on 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 Government/State Government/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

Nadim