

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2709 of 2021**

- Tushar Sahans, S/o Tapodhan Sahans, aged about 25 Years, R/o Village- Kotmar, P.S. Chakradhar Nagar, Tah. and Disstt.- Raigarh, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station- Chakradhar Nagar, Distt. - Raigarh, Chhattisgarh.

----Non-applicant

For Applicant	Shri Sanjay Agrawal, Advocate.
For State	Shri Anand Verma, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/06/2021

1. The matter is heard through Video Conferencing.
2. 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.164/2021 registered at Police Station Chakradhar Nagar, District Raigarh, C.G. for the offence punishable under Sections 341, 294, 506, 327, 427 & 435 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 12.03.2021 at about 12:30 pm, complainant by Truck bearing No. CG07-AA-4215 was going to END SINJI FACTORY for loading the Spanj Iron. When he reached the village Tilga, at that time applicant came there by scooty, stopped his truck and demanded Rs.500/-. When

complainant refused to pay the said amount, applicant broke the front glass of the truck, abused him filthily, voluntarily caused hurt to him, threatened him of life and set the truck on fire. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the present applicant.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the allegation against the present applicant is false and fabricated. There is no evidence available on record for holding the applicant guilty. The applicant is in jail since 12.03.2021, charge sheet has already been filed and due to COVID 19-pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has only one criminal antecedent for the offence under Sections 452 and 323 of IPC.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant, who is 25 years old, charge sheet has already been filed 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.1,00,000/- with two sureties of Rs.50,000/- 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 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