

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 2981 of 2021

- Raju @ Gabbar Soni, S/o. Late Chiranjeev Soni, aged about 39 years, R/o. Ward No. 27, Indira Nagar, Rajhara, P.S. Rajhara, District Balod (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station – Rajhara, District Balod (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Prasoon Agrawal, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

08.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 05.03.2021 in connection with Crime No. 78/2021 registered in Police Station- Rajhara, District Balod (CG) for the offence punishable under Sections 186, 354, 294, 506, 323 read with Section 34 IPC.
2. The prosecution story, in brief, is that on 04.03.2021 at 11:00 am, when complainant who is posted in the Court of Judicial Magistrate 1st Class, Dallirajhara, was taking water, at the relevant time the present applicant misbehaved with her. When the applicant was made understand by other staff, he also misbehaved with them and during all the incident co-accused namely Ashih Ramteke also assisted the applicant. Based on this, offence has been registered. The applicant has been taken into custody on 05.03.2021.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has no criminal antecedents, there is

no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 05.03.2021, charge-sheet has already been filed and due to Covid-19, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court. He also submits that co-accused namely Ashish Ramteke has already been granted regular bail by the coordinate bench of this Court vide order dated 12.05.2021 passed in M.Cr.C. No. 2225 of 2021.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicant who is 39 years old, 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 the charge-sheet has already been filed, due to covid-19 pandemic, conclusion of trial may take some time, further considering that the co-accused has already been granted regular by the coordinate bench of this Court, without commenting anything on merits of the case, the application is allowed.
6. 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 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/her 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.

7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti