

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2958 of 2021

- Gajanand Manikpuri, S/o. Rajudas Manikpuri, Aged around 26 years, R/o. Bachhera Para, Tifra, Thana Sirgitti, Tahsil & District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Station House Officer, P.S. Sirgitti, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Mrs. Shital Soni, Advocate
For Non-Applicant/State	:	Shri Ayaz Naved, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

17.06.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 13.12.2020 in connection with Crime No. 619/2020 registered in Police Station- Sirgitti, District Bilaspur (CG) for the offence punishable under Sections 294, 323, 506, 394 read with Section 34 of IPC.
2. The allegation against the present applicant is that complainant Thaneshwar Sahu resident of Village Chakarbhata lodged a written report on 12.12.2020 at Sirgitti Police Station, in the said report the complainant stated that on 11.12.2020 at about 10:00 pm near Bus Stand Tifra two people dashed the motor cycle of the complainant by their Jupiter Scooty, thereafter they started abusing to the complainant filthily, assaulted him with hands and fists and they looted the motorcycle, mobile, bag tiffin box and gloves from him. The Sirgitti Police during investigation, arrested the present applicant and co-accused namely Arun Das Manikpuri in connection with the said report and seized the said articles from them.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, the present applicant has not committed

any offence. She submits that at the time of the incident the complainant was in intoxicated condition, he dashed the Jupiter Scooty of the applicant and ran away from the place of incident by dropping his motorcycle alongwith other articles. She further submits that the applicant is in jail since 13.12.2020, charge-sheet has been filed and due to covid-19, conclusion of the trial is likely to take some time, therefore, he be released on bail. She also submits that co-accused namely Arun Das Manikpuri has already been granted regular bail by this Court vide order dated 01.03.2021 passed in M.Cr.C. No.447 of 2021.

4. On the other hand, learned counsel for the State opposes prayer for grant of bail and submits that the applicant has no criminal antecedent.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, dispute arose between the applicant and the complainant, detention period of the applicant who is 26 years old, the fact that the applicant has no criminal antecedent, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel, charge-sheet has already been filed, due to covid-19, conclusion of the trial may take some time, and further the co-accused has already been granted regular bail by this Court, without commenting anything on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a 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/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