

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3057 of 2021**

- Prakash Thakur, S/o Late Nageshwar Thakur, aged about 23 Years, R/o. Firangipara, Kargi Road Kota, Police Station Kota, District Bilaspur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station Kota, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Rajeev Kumar Dubey, Advocate.
For State	Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

17/08/2021

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.245/2020 registered at Police Station Kota, District Bilaspur, C.G. for the offence punishable under Sections 394, 427 read with 34 of Indian Penal Code.
3. Allegation against the present applicant by the complainant-Mona Thakur is that on 14.06.2020 at about 12:00 hrs the applicant along with co-accused persons assaulted upon him by pipe, broke his mobile phone and looted Rs.9,800/- from him. On report being lodged to the above effect, offence under the

aforesaid Sections have been registered against the present applicant along with other co-accused persons.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that no offence has been committed by the present applicant. Applicant is languishing in jail since 30.04.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has one criminal antecedent of the year 2021 under Sections 294, 506, 323, 147, 148 & 149 of IPC bearing Crime No.36/2021.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, further considering the fact that due to previous enmity, applicant assaulted upon the complainant, broke his mobile and looted Rs.9,800/- from the complainant, the detention period of the applicant, who is 23 years old, charge sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that

in the event of 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 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge