

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 601 of 2021

1. Laxminarayan Sahu S/o Hariram Sahu, Aged About 35 Years, Government Employee Working As Technical Assistant, Janpad Panchayat, Sahaspur Lohara (Kawardha), Permanent Address - Village Lalbahadurnagar, Police Station Chichola, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Chowki Chichola, Police Station Chhuria, District Rajnandgaon (C.G.).

---- Non-Applicant/State

For Applicant	:	Mr. Rishab Singhdeo, Advocate appears on behalf of Mr. Goutam Khetrapal, Advocate
For State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Applications under Section 438 of Cr.P.C. as he is apprehending his arrest in connection with Crime No. 07/2021 registered at Police Chowki Chichola, Police Station Chhuria, District Rajnandgaon (C.G.) for the offence punishable under Section 498-A of Indian Penal Code.
- 3) Allegation against the present applicant, who is husband of the complainant Purnima Sahu is that he used to harass the complainant for motorcycle, washing machine and Rs. 2.5 Lakh incurred in the medical treatment. It is also alleged that the applicant committed Marpeet with the complainant.

- 4) Learned counsel for the applicant submits that the applicant is innocent persons and have been falsely implicated in this case. He submits that similarly situated co-accused Dinesh Kumar Sahu, Jeevanlal Sahu and Smt. Nema Bai Sahu have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 10/05/2021 in MCRCA No. 255/2021, MCRCA No. 166/2021 and MCRCA No. 258/2021 respectively. He submits that charge sheet has not been filed, and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail on ground of parity.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the applicant, no custodial interrogation of applicant is required, though the matter is under investigation, however, no apprehension is shown by the State Counsel of his absconding or tampering with or influencing the witnesses, in particular the fact that **co-accused** have already been released on bail by the Co-ordinate Bench of this Court without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for granting anticipatory bail to the applicant. Accordingly, the application is allowed.
- 7) It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on bail by the Arresting Officer on his furnishing a personal bond for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- **each** to the satisfaction of the Arresting Officer. Applicant shall be released on bail on the following conditions:-
 - i. he shall make himself available for interrogation before the Police as and when required,
 - ii. 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 or to the Investigating Officer,

- iii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iv. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- v. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- vi. 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**

Chandrakant