

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5957 of 2021**

- Sonu Sahu S/o Late Virendra Sahu Aged About 29 Years R/o Village Amanala Haldibadi, P.S. Chirmiri, District Koriya (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chirmiri, District Koriya (Chhattisgarh)

---- Respondent

&**MCRC No. 4987 of 2021**

- Ravi Thapa @ Birendra Pratap Singh S/o Ram Narayan Singh Aged About 37 Years R/o Kathalpara Ward No. 5, Pondi, District Koriya Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chirmiri, District Koriya Chhattisgarh

---- Respondent

For Applicants	:	Shri Shakti Raj Sinha, Advocate
For State	:	Shri Ravish Verma, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/09/2021**

Heard.

Both the bail applications are being disposed off by this common order as they arise out of the same crime number.

1. The applicants have been arrested in connection with Crime No.302/2020 registered at Police Station – Chirmiri, District – Koriya (C.G.) for alleged commission of offences under Section 306, 506 R/w 34 of IPC.

2. This is repeat application for grant of bail. Earlier application was rejected by this Court.

3. Learned counsel for the applicants would submit that earlier, the bail application was rejected by this Court taking into consideration that the applicants were harassing the deceased on account of return of loan advanced to them and searching for him. He would submit that the earlier bail application was rejected on 09/11/2020 and till date, the trial has not been concluded and the applicants are still languishing in jail. It is submitted that in view of recent judicial pronouncement in the case of **Arnab Manoranjan Goswami v. State of Maharashtra and ors., (2021) 2 SCC 427** wherein in almost similar circumstances alleged it is held that compulsion for return of loan advance without any incriminating circumstance would not amount to commission of offence. It is submitted that in view of above judicial pronouncement, the applicant may be granted bail.

4. Learned State counsel opposes bail application. It is submitted that the bail application was earlier considered and rejected taking into consideration that harassment was meted out towards recovery of loan which was advanced to the deceased.

5. This Court earlier rejected bail application taking into consideration the allegations of harassment. The Trial so far has not been concluded. The applicants are in jail since 16/08/2020. Taking into consideration the alleged commission of offence is under Section 306 IPC as also the recent judicial pronouncement in the case of **Arnab Manoranjan Goswami** (supra), at this stage, I am inclined to grant bail to the applicants.

6. Accordingly, the applications of applicants – Sonu Sahu and Ravi Thapa @ Birendra Pratap Singh are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) They shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge