

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5349 of 2021

Mohammad Sahbaz Khan S/o Ismaile Khan, Aged About 30 Years, R/o Near Guru Ghasidas Chowk, Jagdalpur, District- Bastar, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through P.S.- Kotwali, Jagdalpur, District- Bastar, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Vikas Shrivastava, Advocate.
For State	: Mr. DP Sing, Dy. AG.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

26/10/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.156/2021, registered at Police Station -Kotwali, Jagdalpur, District- Bastar, (C.G.), for commission of offence punishable under Sections 419, 420, 467, 468, 471, 470, 34 of the Indian Penal Code. '
2. Case of the prosecution is that during lock down period applicant along-with co-accused Jeet Rakshit @ Rajeev after preparing forged receipt book in name of office of Collector have collected money as fine from the persons who have violated the guidelines issued by the Government during period of lock down. Based on report lodged by Tahsildar, aforementioned crime is registered against applicant and co-accused Jeet Rakshit.
3. Learned counsel for applicant submits that main accused in the instant crime is Jeet Rakshit. Based on his statement, applicant has been arrested. There is no any other criminal antecedents against applicant. He is in jail since 29.05..21. Offences are triable by Magistrate, trial may take some time for its conclusion. Hence, applicant may be enlarged on bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that applicant alongwith co-accused got prepared the

forged receipt book in name of office of Collector and have collected money as fine from the persons who violated guidelines issued by the Government during period of lock down. Allegations levelled against applicant are serious in nature. Hence, he is not entitled for grant of regular bail. However, on putting a specific query to learned State Counsel with regard to any criminal antecedents against applicant, he submits that in case diary there is no mention of any criminal antecedents against applicant.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, the fact that applicant is not having any criminal antecedents, offences are triable by Magistrate, period of pre-trial detention of applicant since 29.05.21, without commenting anything on merits of the case, I am inclined to allow this bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
 Judge

Jamal/-