

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5123 of 2021

- Ramesh Brijwal, S/o Ramsanehi, Aged About 22 Years, R/o Shivrath Marg, Jarhabhatha, Police Station Civil Line, District-Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Civil Line, District- Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Ajay Kumar Chandra, Advocate

For Non-Applicant/State : Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

04.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail in connection with Crime No. 204/2021, registered at Police Station- Civil Line, District- Bilaspur (C.G.) for the offence punishable under Section 394, 506 of IPC.
- 2) Case of the prosecution, in brief, is that on 10.02.2021 the complainant namely Sukhnandan Khandey lodged a written report at Police Station Civil Line to the effect that he is gupchup seller at Jarhabhatha, Bilaspur. On 10.02.2021, he was busy in his shop and when he went for urination at some distance, the applicant came to him, started demanding money on point of knife. When the complainant refused to give money, the applicant assaulted him with brick on his head and looted Rs. 350 /- from the complainant and also gave him threat of life and fled away.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant is young offender, the complainant sustained simple injury, charge-sheet has already been filed. The applicant has been arrested on 11.02.2021, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and due to Covid-19 trial is likely to take some time for its final disposal, therefore, the applicant be released on regular bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, the nature of injury sustained by the complainant, charge-sheet has already been filed, the detention period of the applicant, who is 22 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to covid-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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 similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim