

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5224 of 2021

1. Mohd. Roshan S/o Shri Mohd Rounak, Aged About 32 Years, R/o Krishna Nagar Colony, Santoshi Nagar, Police Station Tikrapara, District Raipur (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through P.S. Tikrapara, Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Pragalbha Sharma, Advocate.
For Non-Applicant/State	:	Mr. Chitendra Singh, P.L.

MCRC No. 5522 of 2021

1. Tikam Manikpuri S/o Shri Gokul Das Manikpuri, Aged About 31 Years, R/o Taj Nagar, Santoshi Nagar, Raipur District Raipur (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Tikrapara, Raipur District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Pragalbha Sharma, Advocate.
For Non-Applicant/State	:	Mr. Chitendra Singh, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

23/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both these applications arise out of the same crime number, they are being disposed of by this common order.
- 3) These are the **Second Bail Applications** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail

Application i.e. MCRC 8959/2020 & MCRC 9515/2020 were dismissed as withdrawn on 15/03/2021 with liberty to the applicants to repeat their prayer for bail if the trial is not concluded within a period of 04 months.

- 4) Applicants are in jail since 25/10/2020 in connection with Crime No. 422/2020, registered at Police Station Tikrapara, District Raipur (C.G.) for the offence under Section 394 of Indian Penal Code.
- 5) Allegation against the applicants are that on 24/10/2020 at 10:20 PM near Sanatan Bhawan at Santoshi Nagar, Raipur (C.G.) applicants alongwith other co-accused persons stopped the complainant Joseph William, committed robbery of Rs. 2,000/-, Mobile and also committed Maarpet with hands and fists. On report being lodged to the above effect, the aforesaid offence has been registered against them.
- 6) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case by the complainant. He submits that there is no apprehension of the applicants tampering with the evidence or absconding. He further submits that applicants are in jail since 25/10/2021, charge sheet has been filed, out of 11 witnesses no any witness has been examined till now, and due to COVID-19 Pandemic conclusion of trial is likely to take some time. Therefore, the applicants deserve to be released on bail.
- 7) On the other hand, learned counsel for the State opposes the bail applications. However, he submits that the applicant **Mohd. Roshan has 10 criminal antecedents**, out of which 02 are under Excise Act, 07 under Indian Penal Code and 01 under Narcotics Act whereas the applicant **Tikam Manikpuri has 06 criminal antecedents**, out of which 03 are under Excise Act, 02 under Indian Penal Code and 01 under Arms Act.
- 8) I have heard learned Counsel for the parties.

9) Considering the facts and circumstances of the case, the nature of allegations against the applicants, the detention period of the applicants who are 32 and 31 years old respectively, the fact that first bail applications were dismissed as withdrawn with liberty to file afresh if trial is not concluded within a period of 4 months and till date no witness has been examined and further due to COVID-19 Pandemic conclusion of trial may take some time, the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties, the applications are **allowed**. It is directed that in the event of **each** of the applicants 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, they shall be released on bail on the following conditions:-

- i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- iv. they shall not involve themselves 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 applicants involving themselves in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge