

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5810 of 2021

- Nageshwar @ Nanu Sinha, S/o Late Shri Basant Sinha, Aged About 21 Years, Jaati Kalaar, R/o Village Ward No. 15, Gariyaband Police Station Gariyaband, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer Police Station Gariyaband, District- Gariyaband, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Lukesh Kumar Mishra, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

08.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 28.03.2021 in connection with Crime No. 106/2021 registered at Police Station- Gariyaband, District- Gariyaband (C.G.) for the offence punishable under Sections 328, 384, 506, 34 of IPC.
- 2) As per prosecution case, the applicant along with other co-accused persons extorted money on different occasions from 11 years old son of the first informant, who is the Chief Judicial

Magistrate, Gariyaband. As per the allegation, at about 10.00 am on 27-03-2021 Adarsh Banjare, 11 years old son of the informant, drawn some amount from the house and was moving out of the house. Upon seeing the same by his mother i.e. the informant and on enquiry he revealed that previously also he had given Rs.500/-, 300/- and 250/- to the accused persons who have induced and threatened him to get involved in consuming ganja and other psychotropic substances. As per the diary statement of the victim, he was forcibly made to consume ganja and psychotropic substances.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the accused is only bread earner of his family and bears the responsibility of the whole family, charge-sheet has already been filed, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 28.03.2021 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State vehemently opposes the bail application and submits that bail application of co-accused Trilok Baghel was dismissed on merit by the co-ordinate Bench of this Court vide order dated 28.07.2021 in MCRC No. 4033 of 2021.
- 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, looking to the statements of number of children recorded by the investigating officer during the investigation, accused persons are habitual offenders, act of compelling number of children to consume ganja and other

psychotropic substances, the applicant and co-accused persons are running a gang, bail application of co-accused Trilok Baghel was rejected by the co-ordinate Bench of this Court, without commenting anything on merits of the case, the present bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim