

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5603 of 2021**

- Vishal Sahu, S/o Chhedi Lal, aged about 24 Years, Residence of Village - Balrampur Police Station Balrampur, District - Balrampur – Ramanujganj at present village Khatvabardar Police Station Pasta, District - Balrampur – Ramanujganj, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer - Pasta, District - Balrampur - Ramanujganj Chhattisgarh.

----Non-applicant

For Applicant	Mr. Sunil Tripathi, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

10/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.79/2021 registered at Police Station Pasta, District Balrampur-Ramanujganj, C.G. for the offence punishable under Sections 420, 467, 468 & 471 of Indian Penal Code.
2. As per the prosecution case, on 21.07.2021 complainant- Sarita Nagesia lodged a report at police station- Pasta to the effect that on 15.07.2021 offence under Section 376(घ) was registered against her husband- Shiv Prasad and one Sukhna Dharamsai. Further, on 16.07.2021 FIR under Section 376(घ) was registered against her husband- Shiv Prasad, Ramnath and Banarsi Sahu. It

is alleged that in order to obtain anticipatory bail for the aforesaid accused persons, their relatives i.e. applicant Vishal Sahu, Sanjay Yadav and Rajesh Yadav prepared forged seal of the complainant and her signature as also the forged signatures of the villagers including the Panch and submitted an application for anticipatory bail before the High Court at Bilaspur.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. Applicant is in jail since 21.07.2021 and due to COVID 19-pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, she submits that applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicant, the detention period of the applicant, who is 24 years old, till now charge sheet has not been filed, the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of

the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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 the 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh