

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7049 of 2021

Naved Ahmad S/o Naseem Ahmad Aged About 23 Years R/o Ward No. 4,
Pondi, Police Station - Podi, District - Koriya(C.G.)

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station - Chirmiri, District - Koriya
(C.G.)

---- Respondent

For Applicant	:	Shri Hemant Kumar Agrawal, Advocate
For State	:	Shri Anshuman Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/09/2021

Heard.

1. The applicant is arrested in connection with Crime No.302/2020 registered in Police Station- Chirmiri, District-Koriya (CG) for alleged commission of offence under Sections 306, 506, 34 IPC.
2. This is the repeat application for grant of bail by the applicant. His earlier application was rejected by this Court.
3. Learned counsel for the applicant would submit that earlier, the bail application was rejected by this Court taking into consideration that the applicant was harassing the deceased on account of return of loan advanced to them and searching for him. He would submit that the earlier bail application was rejected on 09/11/2020 and till date, the trial has not been concluded and the applicants are still languishing in jail. It is submitted that in view of recent judicial pronouncement in the case of **Arnab Manoranjan**

Goswami v. State of Maharashtra and Ors. (2021) 2 SCC 427 wherein in almost similar circumstances alleged, it is held that compulsion for return of loan advance without any incriminating circumstance would not amount to commission of offence. It is submitted that in view of above judicial pronouncement and that similarly situated co-accused persons namely Sonu Sahu and Ravi Thapa @ Birendra Pratap Singh have been granted bail vide order dated 3.9.2021 passed in MCRC No.5957 and MCRC No.4987 of 2021, the applicant may also be granted bail.

4. Learned State counsel opposes bail application. It is submitted that the bail application was earlier considered and rejected taking into consideration that harassment was meted out towards recovery of loan which was advanced to the deceased.
5. This Court earlier rejected bail application taking into consideration the allegations of harassment. The trial so far has not been concluded. The applicant is in jail since 12/08/2020. Taking into consideration the alleged commission of offence is under Section 306 IPC, recent judicial pronouncement in the case of **Arnab Manoranjan Goswami** (supra) and that similarly situated co-accused have already been granted bail, at this stage, I am inclined to grant bail to the applicant.
6. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge