

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
(Proceeding through Video Conferencing)

M.Cr.C. No. 6107 of 2021

- Rajendra Shrivastava S/o Late Fattelal Shrivastava, aged about 62 years, R/o M.I.G.- 42 Padmanabhpur, Durg, Tahsil and District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the District Magistrate, District Durg (C.G.), P.S. - Outpost- Padmanabhpur, Police Station – Durg, District Durg (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Bharat Gulabani, Advocate
For Non-Applicant/State	:	Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

19.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 30.07.2021 in connection with Crime No. 655/2021 registered in Police Station- Outpost- Padmanabhpur, Police Station Durg, District Durg (CG) for the offence punishable under Section 294, 506 B, 452, 427, 447, 34 of IPC.
2. As per prosecution case, complainant K.V. Shashi lodged the report alleging that on 23.07.2021, the present applicant and other co-accused persons came with *gaiti*, hammer and broke shade constructed from iron rod, stairs and gate of outside of his premises. Thereafter, they entered into house of the complainant and threatened him to vacate the land.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, the applicant is 62 years old. He further submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 30.07.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, considering the age of the applicant who is 62 years old, he is in jail since 30.07.2021, that all the offence under the aforementioned Sections of IPC are bailable except Section 452 of IPC, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of 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/her 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.
8. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge