

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6315 of 2021

1. Rajesh Nirmalkar S/o Dhanesh Nirmalkar, Aged About 33 Years, Resident Of Vivekanand Vidyapith, Behind Chota Bhawani Nagar, Kota, District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Saraswati Nagar, Raipur, District Raipur (C.G.).

---- Non-Applicant

For Applicant : Ms. Seema Singh, Advocate.
For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.

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 Code of Criminal Procedure, 1973 as he is in jail since 19/07/2021 in connection with Crime No. 121/2021 registered at Police Station Saraswati Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Sections 452, 294, 323, 427, 147 of Indian Penal Code.
- 2) The allegation against the applicant is that on 18.07.2021, he along with other co-accused persons namely Krishna Yadav, Rajkumar @ Buti Yadav, Saurabh Rahulkar, Nilesh Rautkar, Rohit Rautkar and Sandesh Meshram, after entering into the house of the Complainant Laxminarayan Banjare, by using filthy language, assaulted him and his mother with hands, fists and stick and also threatened them for life. On report being lodged to the above effect, offence has been registered against the accused persons.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. She submits that charge sheet has been filed, the applicant is in jail since 19/07/2021. He submits that the co-accused persons namely Krishna Yadav, Rajkumar @ Buti Yadav, Saurabh Rahulkar, Nilesh Rautkar (in MCRC No. 5858/2021) **and** Rohit Rautkar & Sandesh Meshram (in MCRC No. 6344/2021) have already been granted regular bail by this Court vide order dated 06/09/2021. He further submits that there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has as many as **02** criminal antecedents, bearing Crime No. 124/10 for the offence under Sections 379, 511, 34 of IPC and bearing Crime No. 179/2012 for the offence under Sections 294 & 186 of IPC, registered at Police Station Saraswati Nagar, Raipur, District Raipur (C.G.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 33 years old, the offence is triable by Magistrate, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that co-accused have already been released on bail by this Court, and conclusion of trial is seems to take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the 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 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,
- 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 Govt./State Govt./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 similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant