

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6272 of 2021

- Sartaj Ali S/o Saukat Ali Aged about 39 years R/o Melapara Irani Mohalla Chantidih P.S. Sarkanda District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through- SHO – City Kotwali Mungeli, District Mungeli (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Dheerendra Pandey, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

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

16.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 07.08.2021 in connection with Crime No. 48/2021 registered in Police Station- City Kotwali Mungeli, District Mungeli (C.G.), for the offence punishable under Sections 384, 386, 34 of IPC.
2. The case of the prosecution, in brief, is that complainant namely C.R. Netam who is working as Forest Range Officer, Mugeli lodged a report in Police Station City Kotwali Mungeli alleging that the present applicant alongwith other co-accused persons namely Paramveer Singh Marhas who is the editor of 24 News Wab Portal and Ku. Varsha Tiwari who impersonated herself as she is from Mantralaya extorted money from the complainant to the tune of Rs.1,00,000,00/- by putting the complainant in fear of corruption committed by the complainant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. He further submits that the applicant is in jail since 07.08.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its

final disposal. He also submits that co-accused namely Paramvir Singh Marhas and Ku. Varsha Tiwari have already been granted regular bail by coordinate benches of this Court vide orders dated 21.05.2021 & 25.06.2021 passed in M.Cr.C. No. 3014 of 2021 & M.Cr.C. No. 3583 of 2021. Therefore, the present applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the present applicant, recovery has been made, the detention period of the applicant who is 39 years old, charge-sheet has already been filed, the offence is triable by Magistrate, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, further that the co-accused persons have already been granted regular by bail by the coordinate benches of this Court 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.2,00,000/- with two sureties of Rs.1,00,000/- 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

vatti