

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6376 2021

- Bhanu Thakur Son of late Nageshwar Thakur, aged about 24 years, R/o. Firangipara, Kargi Road Kota, Police Station Kota, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Kota, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

28.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 30.04.2021 in connection with Crime No. 245/2020 registered in Police Station Kota, District Bilaspur (C.G.), for the offence punishable under Sections 394, 427 read with Section 34 of IPC.
2. Allegation against the present applicant by the complainant- Mona Thakur is that on 14.06.2020 at about 12:00 hours, the applicant alongwith co-accused persons assaulted upon him by pipe, broke his mobile phone and looted Rs.9,800/- from him. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the present applicant along with other co-accused persons.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that no offence has been committed by the present applicant. Applicant is languishing in jail since 30.04.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail. He also submits that co-accused namely Prakash Thakur has already been granted regular bail by this Court vide order dated 17.08.2021 passed in M.Cr.C. No. 3057 of 2021.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the manner in which the incident is said to have taken place, further considering the fact that due to previous enmity, applicant assaulted upon the complainant, broke his mobile and looted Rs.9,800/- from the complainant, the detention period of the applicant who is 24 years old, charge-sheet has already been filed and the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, further that the co-accused namely Prakash Thakur has already been granted bail by this Court, without commenting anything on merits of the case, the bail 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 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