

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6795 of 2021

1. Saroj Kumar Sahu, S/o Chhediram Sahu (wrongly mentioned as A1,A-2 Chhedilal in order) Aged About 42 Years, R/o Village Bhawani Nagar, Sirgitti, Police Station Sirgitti, Bilaspur, District Bilaspur Chhattisgarh.
 2. Hariram Sahu, S/o Patiram Sahu, Aged About 27 Years, R/o Village Madanpur, Police Station Ratanpur, District- Bilaspur, Chhattisgarh.
- Applicants**

Versus

- The State of Chhattisgarh, Through Station House Officer City Kotwali Jashpur, District- Jashpur, Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri Pradeep Kumar Jogi, Advocate
For Non-Applicant/State	:	Shri C. B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

01.10.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 12.08.2021 in connection with Crime No. 08/2017 registered at Police Station- City Kotwali, District- Jashpur (C.G.) for the offence punishable under Sections 506 & 387 of IPC.
- 2) Case of the prosecution, in brief, is that complainant namely Jagriti Mishra had lodged report in police station to the effect that her parents had purchased one land bearing khasra number – 1387/2015 from Hariram Sahu (applicant no.2 herein) to the tune of Rs. 4 lacs, paid Rs 3.10 lacs and she promised to pay the remaining amount after the registry but after registry of the said land she did not pay remaining amount as a result of which the applicant no.2 Hariram Sahu made call to her, gave threat of

life her & character assassination of her. Thereafter, report was lodged and during investigation it was found that the mobile number used for the threat was registered in the name of the applicant No.1 Saroj Kumar Sahu.

- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that as per annexure A/2 compromise between the applicants & complainant has been done and the complainant has no objection to release of the applicants on regular bail. There is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 12.08.2021, charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicants, the fact that the matter is settled between the parties amicably as per Annexure A/2, the complainant has no objection to release of the applicants on regular bail, charge-sheet has already been filed, the detention period of the applicants, who are 27 & 42 years old, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed.
- 6) It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-
 - (a) they 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,

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

(d) they shall not involve themselves in any offence of similar nature in future,

(e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim