

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6988 of 2021**

- Manish Sahu, S/o Shri Pramlal Sahu, aged about 32 Years, R/o Gurmukh Singh Nagar, New Rajendra Nagar, Tahsil and District Raipur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through its Station House Officer, Police Station New Rajendra Nagar, District Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Sourabh Sharma, Advocate.
For State	Shri Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

28/10/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.136/2021 registered at Police Station New Rajendra Nagar, District Raipur, C.G. for the offence punishable under Sections 341 & 394 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 24.06.2021 at about 2:00 pm when complainant- Pramod was returning from market, on the way applicant along with another co-accused stopped him, assaulted upon him by stick, hands and fist and on the point of knife looted Rs.450/-, golden chain and other articles from him. On report being lodged to the above effect, the offence under the aforesaid Sections have been registered against the applicants.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission of any offence as alleged against him. He is in custody since 25.06.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has 13 criminal antecedents bearing Crime No.71/2006 for the offence under Sections 294, 326, 34 of IPC, Crime No.85/2007 for the offence under Section 109 Cr.P.C., Crime No.03/2007 for the offence under Section 151 Cr.P.C., Crime No.01/2005 for the offence under Section 110 Cr.P.C., Crime No.98/2009 for the offence under Section 379 of IPC, Crime No.29/2010 for the offence under Sections 294, 506, 323, 34 of IPC, Crime No.10/2010 for the offence under Section 41(2)/110 Cr.P.C., Crime No.79/06/11 for the offence under Section 41(2)/110 Cr.P.C., Crime No.154/11 for the offence under Sections 341, 294, 506-B, 323, 34 of IPC and 25 & 27 of the Arms Act, Crime No.06/2007 for the offence under Sections 107 & 116(3) of Cr.P.C, Crime No.89/2007 for the offence under Sections 107 & 116(3) of Cr.P.C., Crime No.39/2009 for the offence under Sections 151/107, 116(3) of Cr.P.C., Crime No.12/2010 for the offence under Sections 151/107, 116(3) of Cr.P.C., Crime No.188/2011 for the offence under Sections 151/107, 116(3) of Cr.P.C, Crime No.01/01/12 for the offence under Sections 41(2)/109 of Cr.P.C.
5. Heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 32 years of age, charge sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. 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 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, 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.

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 any offence in future.

Sd/-
Gautam Chourdiya
Judge