

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7163 of 2021

- Sooraj Rathor S/o Shri Rajendra Rathor, aged about 24 years, R/o Purani Basti, Janjgir, Police Station- Janjgir, Civil & Revenue District Janjgir-Champa (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station- Janjgir, Civil & Revenue District Janjgir-Champa (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Paras Mani Shrivastava, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.11.2021

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 25.06.2021 in connection with Crime No. 252/2021 registered in Police Station Janjgir, District Janjgir-Champa (C.G.), for the offence punishable under Sections 392, 34 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 16.08.2021 passed in M.Cr.C. No. 5455 of 2021. However, this Court had granted liberty in favour of the applicant to file a fresh application as and when occasion arises.
3. Allegation against the present applicant is that he alongwith co-accused Dinesh Rathour looted Rs.500/- & one mobile-phone of the complainant who is Truck Driver.
4. 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 is in jail since 25.06.2021, charge-sheet has already been filed and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail

by this Court.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has one criminal antecedent under Section 354(a), 354 of IPC and Section 12 POCSO Act and he has been acquitted of the said charges.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, considering the nature of allegation against the present applicant, the detention period of the applicant who is 24 years old, the fact that one criminal antecedent shown by the State counsel against the present applicant under Section 354(a), 354 of IPC and Section 12 POCSO Act and he has been acquitted of the said charges on 01.01.2020, presently the applicant has no criminal antecedents, charge-sheet has already been filed, 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, in the changed facts and circumstances of the case, without commenting anything on merits of the case, this second bail application is allowed.
8. 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.

9. 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

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