

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7469 of 2021

1. Sanjay Singh Aged about 49 years, S/o Rangnath Singh R/o Near Santoshi Temple, Dangania, Raipur, District Raipur (C.G.)
2. Maneesh Sahu Aged about- 30 years S/o Gendlal Sahu R/o Dharam Nagar, Pachpedi Naka Raipur, District Raipur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh Through – Station House Officer, Police Station – Purani Basti, District - Raipur (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Vivek Sharma, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

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

30.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 06.09.2021 in connection with Crime No. 234/2021 registered in Police Station- Purani Basti, District Raipur (CG), for the offence punishable under Sections 147, 186, 294, 323, 506, 353, 332 & 355 of IPC.
2. Prosecution case is that complainant Ankush Bariyekar lodged a written report that on 05.09.2021, he was called by Station House Officer of Police Station Purani Basti, Raipur. When the complainant and his community members were present in the room of Inspector, the present applicants and other co-accused person entered into the room abused the complainant and their community members filthily saying that you are converting the religion of the people. Thereafter, the applicants and other co-accused persons assaulted the complainant by hands, fists, shoe & slipper and caused injuries to the complainant.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He also submits that there is no likelihood of the applicants tampering with the prosecution evidence or

absconding, they are in jail since 06.09.2021 and trial is likely to take some time for its final 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. He submits that applicant No.1 - Sanjay Singh has no criminal antecedents, but applicant No.2 - Maneesh Sahu has 05 criminal antecedents i.e. under Cr.No. 237/2008, Cr.No. 137/2008, Cr.No. 604/2012, Cr.No. 167/2015 & Cr. No. 468/2015 in which all offences are bailable offences except offence under Section 452 of IPC. He further submits that after the year 2015 to till now, applicant Maneesh Sahu has no criminal antecedents.
5. Having regard to the facts and circumstances of the case, the fact that complainant sustained simple injuries and there is no any serious complication, the detention period of the applicants who are 30 & 49 years old and conclusion of the trial is likely to take some time and the fact that the applicant Sanjay Singh has no criminal antecedents, however, applicant Maneesh Sahu has 05 old criminal antecedents, but after the year 2015 to till now, he has no criminal antecedents, there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the bail 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 following conditions :-
 - i. 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/her from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

iv. they shall not involve themselves in any offence of similar nature in future.

7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti