

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9036 of 2020

- Lokesh Prajapati S/o Babulal Prajapati, Aged About 19 Years R/o Kumahar Street Talapara Bilaspur, P.S. Civil Line District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Thana In Charge, Police Station Tarbahar, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

--Non-Applicant

For Applicant	: Shri K.P.S. Gandhi, Advocate
For Non-Applicant/State	: Shri C.B. Kesharwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

11.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 15.11.2020 in connection with Crime No.181/2020, registered at Police Station- Tarbahar, District Bilaspur(C.G.) for the offence punishable under Section 392, 34 of the IPC.
2. Case of the prosecution is that the complainant Gendram lodged a report on 15.8.2020 that when he was going on his duty on motorcycle, somebody threw chilly powder in his eyes and looted his motorcycle and mobile. During investigation, on the basis of memorandum of co-accused Bhavendra Mishra, applicant has been arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that the applicant is in custody since 15.11.2020; charge sheet has been filed and trial is likely to take some time for its final disposal, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that one case of similar nature has been registered against the applicant vide Crime No.1039/2020 at Police Station Sarkanda, Bilaspur.
5. Having considered the submissions made by learned counsel for the parties, the nature of allegations against the applicant; age of the applicant i.e. 19 years and no looted property has been seized from the applicant; the detention period; 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 that conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge