

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8159 of 2021

1. Ravi Navik @ Pokde S/o Shri Ram Prakash Navik, Aged About 23 Years, R/o Mahuwa Dafai, Haldibadi, Chirmiri, Police Station And Tahsil Chirmiri, District Koriya (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Chirmiri, District Koriya (C.G.).

---- Non-Applicant

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate.

For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

24/11/2021

- 1) This is the **Second Bail Application** filed by the applicant under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. First Bail Application i.e. MCRC No. 5983/2021 was dismissed as withdrawn vide order dated 09/09/2021.
- 2) The applicant is in jail since 22/06/2021 in connection with Crime No. 176/2021 registered at Police Station Chirmiri, District Koriya (C.G.) for the offence under Sections 384, 394, 506, 323, 347 read with section 34 of Indian Penal Code.
- 3) Case of the prosecution, in brief, is that a report was lodged by complainant Shahil Singh alleging in it that on 21.06.2021 co-accused Preeti Pandey took him to Haldibadi Manglam Hotel, where the friends of Preeti Pandey namely applicant Ravi Pokde and co-accused Sunil Nahak were present. After taking meals in the said hotel, co-accused Preeti Pandey told the complainant to make a telephonic call to his mother saying that he is marrying

Preeti and ask for money from his mother and if he will not call, she will implicate him in rape case. When the complainant refused to call his mother, applicant Ravi Pokde and co-accused Sunil Nahak caused hurt to complainant by hands and fists and robbed mobile phone and motorcycle of the complainant.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that similarly situated co-accused Kumari Preeti Pandey and Sunil Nahk @ Khanna have already been granted regular bail by this Court vide order dated 09/09/2021 passed in MCRC No. 5158/2021 & MCRC No. 6042/2021 respectively. He further submits that charge sheet has already been filed, applicant is in jail since 22/06/2021. He submits that there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application. However, the applicant has as many as 06 criminal antecedents i.e. Crime No. 419/2016 under Sections 294, 506, 323/34 of IPC, Crime No. 91/2017 under Sections 294, 324, 34 of IPC and Section 25 & 27 of the Arms Act, Crime No. 419/2017 under Section 394 of IPC, Crime No. 291/2018 under Sections 294, 506, 323/34 of IPC, Crime No. 216/2019 under Sections 294, 506 & 323/34 of the IPC and Crime No. 94/2021 under Sections 456, 352, 294, 506/34 of the IPC. This apart certain preventive actions were also taken against the applicant bearing Istagasha No. 18/2018 under Section 151 of Code of Criminal Procedure, Istagasha No. 30/2018 under Section 110 of Code of Criminal Procedure, Istagasha No. 46/2019 under Section 151 of Code of Criminal Procedure, Istagasha No. 07/2019 under Section 110 of Code of Criminal Procedure and Istagasha No. 31/2020 under Section 110 of Code of Criminal Procedure.
- 6) Heard learned counsel for the parties.

- 7) At this stage learned counsel for the applicant submits that the applicant has already acquitted in **Crime No. 419/2018** of the charge under Section 394/34 of Indian Penal Code vide judgment dated 15/05/2018 and he has also acquitted in **Crime No. 91/2017** of the charge under Section 324/34 of IPC & under Sections 25 & 27 of the Arms Act vide judgment dated 24/06/2019. Copy of the said judgments of acquittal have already been submitted alongwith covering memo.
- 8) Considering the facts and circumstances of the case, true it is that applicant has as many as 06 criminal antecedents, however he has been acquitted in 02 cases under Sections 394/34, 324/34 of IPC and Section 25 & 27 of the Arms Act, the detention period of the applicant who is 23 years old, charge sheet has already been filed, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that similarly situated co-accused have already been released on bail by this Court and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event of the 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,
 - iii. he shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial,
 - iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,

- v. 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 similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant