

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9026 of 2020

- Deepak Tirki, S/o Javiyar Tirki, Aged about 30 years, R/o Chirkoma, P.S. Balrampur, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Outpost Ganesh Mod, P.S. Balrampur, District Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

For Applicant : Shri Pushkar Sinha, Advocate

For Non-Applicant/State : Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

13.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.11.2020 in connection with Crime No. 109/2020 registered in Police Station- Outpost Ganesh Mod, Balrampur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 294, 506, 353, 332 & 186 of IPC.
2. As per prosecution case, on 27.06.2020 during the raid for illicit liquor police got information from informant that the present applicant has illegally kept liquor for selling. Upon search and inquiry, 04 bulk liters of *mahuwa* liquor were seized from the applicant and when excise proceeding was initiated against the applicant, he used filthy language, hit the vessel containing the liquor by leg as a result of which the vessel fell down. When police were trying to stop the applicant, he committed *marpit* with the police and fled away from the place and thereby the applicant voluntary caused hurt to deter public servants from discharging their duty. Therefore, the F.I.R. was lodged

against the applicant under the aforementioned Sections of IPC.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that the applicant is in jail since 04.11.2020 and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the applicant has no criminal antecedents as admitted by both the counsel, that he is in jail since 04.11.2020 and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge