

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9525 of 2020

- Rahul Ahirwar, S/o Totaram Ahirwar, Aged About 26 Years, Resident Of Tikrapara, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Lormi, O.P. Chilfi District- Mungeli, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Smt. Seema Singh, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05.02.2021

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 31.08.2020 in connection with Crime No. 462/2018, at Police Station- Lormi, District- Mungeli (C.G.) for the offence punishable under Section 392, 397, 398, 411, 201/34 of Indian Penal Code and Section 25, 27 of the Arms Act.
2. The allegation against the present applicant is that on 26.10.2018 at about 3:00 P.M. he alongwith other co-accused persons committed loot on the point of gun of the gold, silver ornaments, *Taraju-Baat* and *Penchis* worth Rs. 2,00,000/- from the complainant near *Dehati Bazar* Dulnakar.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that F.I.R. has been lodged against unknown persons, on the basis of suspicion the present applicant was arrested, the applicant is in jail since 31.08.2020 co-accused persons have already been granted bail by the co-ordinate Bench of this Court vide order dated **28.03.2019** in **MCRC No. 1658 of 2019** and **06.02.2019** in **MCRC No. 10054 of 2018**, the present applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he 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 the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, that the co-accused persons have already been granted bail by the co-ordinate Bench of this Court, detention period of the applicant and the fact that the applicant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of the 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 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

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**

Nadim