

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 17 of 2021

1. Ram Dulare Sahu, S/o Bhagwandin Sahu, Aged about 26 years, R/o Nawagaon Podi, Bilaspur, District Bilaspur (C.G.)
2. Dinesh Kumar, S/o Gopi Singh, Aged about 28 years, R/o Bhaisajhar, Bilaspur, District Bilaspur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through - P.S. - Darri, District Korba (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Pawan Shrivastava, Advocate
For Non-Applicant/State	:	Smt. Shubha Shrivastava, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

08.02.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 26.11.2020 in connection with Crime No. 174/2020 registered in Police Station- Darri, District Korba (CG) for the offence punishable under Sections 506, 507 & 509-B of IPC.
2. Prosecution case is that on 02.09.2020 the complainant lodged a written complaint at Police Station Darri that some unknown person is calling on her mobile and doing obscene things. When she objected to it, he abused her and also threatened to kill her. On the basis of such complaint, the F.I.R. has been registered against unknown person for aforesaid Sections of IPC. During investigation, it was found that the call was made to the complainant by the applicants. Therefore, the present applicants have been arrested on 26.11.2020.
3. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in the crime in question. He also submits that the applicants are in jail since 26.11.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore,

they be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period as well as the age of the applicants, charge-sheet has already been filed, conclusion of the trial is likely to some time, offence is triable by Magistrate and there is no apprehension of the applicants tampering with the evidence or absconding, 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.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the 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 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge