

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9775 of 2021

Rupesh Kamalvanshi, S/o Santosh Kumar, Aged About 26 Years R/o. Village Parsada, Police Station Abhanpur, District Raipur Chhattisgarh. ---- **Applicant**

Versus

State Of Chhattisgarh Through- The Station House Officer, Police Station- Patan, District- Durg, Chhattisgarh ---- **Non-Applicant**

For Applicant:

Shri Jitendra Gupta, Advocate.

For Non-Applicant/State :

Shri Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

20.12.2021

1. This is the 1st 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 in connection with Crime No.157/2021 registered at Police Station –Patan, District – Durg, Chhattisgarh for the offence punishable under Sections 294, 50-6-B, 341, 395 and 397/34 of IPC as also under Sections 25 & 27 of Arms Act.
2. Case of the prosecution in brief is that the present Applicant has assaulted the complainant along with the other co-accused persons and looted purse, adhar card, ATM card, PAN card, cash amounting to Rs.15,000/-, two pieces of scanner, one printer and also a motorcycle from the complainant.
3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question and that there is no likelihood of the Applicant tampering with the prosecution evidence or absconding, he is in jail since on 03.09.2021 and trial is likely to take some

time for its final disposal, therefore, he may be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He however submits that the Applicant has no criminal antecedents against him.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the period of detention, the fact that there are no criminal antecedents against the Applicant and there is no likelihood of the Applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.

6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs 10,000/- with two sureties each in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on the 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/-

(Deepak Kumar Tiwari)
Judge