

(2018) 06 CHH CK 0136

Chhattisgarh High Court**Case No:** Miscellaneous Criminal Case (MCRC) No. 3373 Of 2018

Sunil Nishad

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: June 25, 2018**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 120B, 201, 387, 417, 507
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Sanjay K. Agrawal, J**Bench:** Single Bench**Advocate:** Shivendu Pandya, Anand Dadariya**Final Decision:** Allowed

Judgement

Sanjay K. Agrawal, J

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during

trial in connection with Crime No. 280/2017 registered at Police Station Azad Chowk, Raipur for the offence punishable under Sections 387, 417,

120B, 201, 507/34 of the Indian Penal Code, 1860.

2. Case of the prosecution, in brief, is that applicant threatened the complainant through his mobile number and demanded Rs.40 lakh and thereby committed the aforesaid offences.

3. Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in

question. He further submits that applicant is in detention since 22.12.2017 and the charge sheet has already been filed and the co-accused Vikash

Singh Rajput has already been released on bail in M.Cr.C No. 1881 of 2018 therefore, the applicant may also be released on regular bail.

4. On the other hand, learned counsel for the State would submit that even the sim card of the mobile phone has been destroyed by the applicant, therefore, he is not entitled to be released on bail.

5. I have heard the counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of the offence, facts & circumstances of the case and further considering the fact that applicant is in detention since 22.12.2017 and the charge sheet has already been filed and the other co-accused has already been released on bail; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.