

Jitendra Jaiswal vs State Of Chhattisgarh on 10 February, 2023

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9985 of 2022

Jitendra Jaiswal S/o Ramlakhan Aged About 32 Years R/o Village Digma,
Tahsil Ambikapur, Police Station Gandhinagar, District : Surguja
(Ambikapur), Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Gandhi Nagar, District : Surguja (Ambikapur), Chhattisgarh.

----Non-applicant

For Applicant	Shri V.K. Pandey, Advocate.
For State	Shri B.P. Banjare, P.L.
For Objector	Shri Neeraj Mehta, Objector.

Hon'ble Shri Justice Sachin Singh Rajput
Order on Board

10/02/2023

1. This is the First Bail Application filed under Section 439 of Code of Criminal Procedure for grant of bail in connection with Crime No.128/2022 registered at Police Station Gandhinagar, District Surguja (C.G.) for the offence under Sections 452, 506, 384, 392, 420 & 34 of IPC.
2. Facts of the case in brief is that the present applicant and other co-accused threatened the complainant and snatched the mobile phone of his salesman Balbir Kumar and also looted sum amount of Rs.52,000/- from his cash counter and given him warning to Rs. 5 Lacs more within a week. He further submits that the applicant also threatened to the complainant to withdraw the complaint of embezzlement filed against Umakant Yadav.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant is a reputed news reporter and since he is involved in reporting the truth and wrong doings of various persons therefore, various peoples are now keeping grudge against him and they are tried to implicate the present applicant one or another false case. He submits that the alleged incident took place on 01/04/2022 and the FIR was lodged on 08/04/2022 without any proper explanation of delay. He submits that another case the applicant has been enlarged on regular bail and he is in jail since 08/04/2022 almost ten months have been passed and trial has not concluded as yet, the offences are triable by the Magistrate, therefore, looking to his detention period the application may be allowed. He places reliance upon the judgment of Sanjay Chandra vs. Central Bureau of Investigation, (2012) 1 SCC 40.
4. On the other hand, learned counsel for the respondent/State opposes the

bail application. He further submits that the allegation of robbery of Rs.52,000/- is against the present applicant and he has so many criminal antecedent against him. He further submits that co-accused in the present case is absconding. The recovery of Rs.6200/- was also effected at the instance of the present applicant, therefore, looking to the seriousness of the offence, the application may be rejected.

5. Shri Neeraj Mehta, counsel for the Objector vehemently opposes the bail application and submits that the alleged incident took place on 01/04/2022 and thereafter on 03/04/2022 the written report was lodged narrating the entire incident and looking to the over act of robbery of Rs. 52,000/- and threatening the complainant with dire consequence Rs. 5 Lacs not paid to him and other criminal antecedent against the present applicant, the applicant is not entitled for bail.

6. Heard learned counsel for the parties and considered their rival submissions.

7. Considering the facts and circumstances of the case, looking to the nature of allegation, applicant is in jail since 08/04/2022, trial is not concluded as yet, at this stage, without commenting anything on merits of the case, I am inclined to allow this bail application.

8. Accordingly, the bail application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs. 25,000/- with one solvent surety to the satisfaction of the concerned Trial Court, he shall be released on bail.

9. The applicant shall not influence any of the witnesses acquainted with the facts of the case in any manner whatsoever, and that if anything like this comes to the notice of the Court below, it may cancel the bail granted to him.

Sd/-

Sachin Singh Rajput Judge Kamde