

**SUPREME COURT OF INDIA**

Ajit Singh

Vs.

State of Chhattisgarh

Crl.A.No.805 of 2017

(J.Chelameswar and S.Abdul Nazeer,JJ.,)

28.04.2017

**ORDER**

**S.Abdul Nazeer,J.,**

SLP(Crl.)No.1625 of 2017

1. Leave granted.

2. In this case, the appellant has challenged the legality and correctness of the order passed by the High Court of Chhattisgarh at Bilaspur in MCRC No.88 of 2017, whereby the bail application filed by the appellant under Section 439 of the Code of Criminal Procedure has been rejected.

3. The appellant was arrested on 28th September, 2016 in connection with Crime No. 865 of 2016, registered at Police Station Supela, District Durg (CG) Chhattisgarh for the offence punishable under Sections 366, 376(2)(g), 120-B, 506 of the IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The contention of the learned senior counsel for the appellant is that the complaint against the appellant is motivated one, with an aim to extort money and his property. He has been falsely implicated in the case. The appellant has been in custody for the past six and half months. He is ready to abide by any of the conditions which may be imposed by this Court for enlarging him on bail. He is ready to stay in Patna, till the disposal of the case. On the other hand, learned advocate appearing for the respondent has sought to justify the impugned order.

5. After investigation, final report under Section 173 of the Cr.P.C. has been filed against the appellant and four other persons on 19 th October, 2016. The case against the appellant is almost similar to that of other co-accused who have been enlarged on bail. The accused has been in custody for the past six and half months. No criminal antecedents have been reported

against the appellant. We are of the view that it is just and proper to enlarge the appellant on bail subject to the following conditions:

“1 .The appellant shall not stay in the State of Chhattisgarh during the pendency of the case. He shall stay in Patna during the said period. However, he is permitted to come to the State of Chhattisgarh for attending the aforesaid case. He shall personally appear before the trial court on all the dates of hearing except under unavoidable circumstances.

2. Soon after release, he shall appear before the Senior Superintendent of Police, Patna, and notify his address at Patna to the SSP, Patna. The SSP, Patna, shall intimate him the jurisdictional Police Station for his attendance once in a week on every Sunday between 9.00 a.m. to 5.00 p.m.

3. The appellant shall not tamper with the evidence during the trial in any manner. He shall not pressurize or intimidate the prosecution witnesses. The appellant shall execute a personal bond of Rupees one lakh with two sureties for the like sum to the satisfaction of the trial court.”

6. The appeal is allowed accordingly.