

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 906 of 2019**

- Nitesh @ Tinni Nayak, S/o Kulpat Nayak, Aged About 19 Years, R/o Village Devrikhurd, In Front Of Devrikhurd Panchayat Building, Police Station Torwa, Tahsil And District Bilaspur Chhattisgarh

..... Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Torwa, District Bilaspur Chhattisgarh

.....Non Applicant

For the Applicant : Shri Ravindra Sharma, Advocate

For Non Applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.02.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No. 381/2018 registered at Police Station- Torwa, District- Bilaspur (C.G.) for the offence punishable under Sections 294, 506, 307/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 16.09.2018 about 9:30 Pm, in front of grocery shop of Sukhi, applicant and coaccused Vinod Kumar @ Vicky abused complainant Aman Das, gave threats to kill him, applicant caused injury on the throat of complainant by blade.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. As per the certified copy of the statement of the complainant, recorded by Trial Court on 11.02.2018, which is the part of the bail application, complainant totally turned hostile. He had stated in the Examination-In-Chief that applicant and coaccused Vinod Kumar @ Vicky had not beaten him.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul