

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6221 of 2019**

- Bhola Nishad S/o Late Punram Nishad Aged About 19 Years R/o Village Behind Masjid, Kota, Police Station Sarswati Nagar, Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ajad Chouk, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Tarun Dansena, Advocate.
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/11/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.210/2019 registered at Police Station - Ajad Chouk District Raipur(C.G.) for the offence punishable under Sections 294, 327, 506B of the IPC.
- Case of the prosecution is that complainant Akash Nishad @ Kannu lodged a report that on 7.7.2019 while he was sitting with his friend near Aamatalab Chabutara, the applicant came there and demanded money from him for drinking liquor and when the complainant denied to give money, the applicant assaulted him with axe (*hasiya*).

- Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there was trivial dispute between the parties and the offence is triable by Magistrate. He submits that as the applicant is in custody since 11.7.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; the offence is triable by Magistrate and the applicant is in custody since 11.7.2019 and trial is likely to take some more time, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
- Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:
 - That, the applicant shall furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the

accused/applicant 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/her from disclosing such facts to the Court or to any police officer.

- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge