

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3225 of 2020**

- Santosh Jha S/o Bilat Jha aged about 45 years, R/o Block-H-2/24, Couhan Town, Junwani, Bhilai, Tahsil & District-Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Supela, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. T. K. Jha, Adv.
For Respondent/State	:	Mr. K. K. Singh, G.A.
For Objector	:	Mr. Jaydeep Singh Yadav, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/08/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 291/2020 registered at Police Station-Thana Supela, District-Durg (C.G.) for the offence punishable under Sections 394, 452, 294, 506 and 325 of the IPC.
4. The prosecution story, in brief is that, it is alleged that on 14.05.2020 the applicant entered the house of complainant and assaulted him with the Hockey stick, due to which, complainant's left leg has been fractured. Based on this offence has been registered against the applicant.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is President of Sorvodaya Resident Welfare Society, Chohan Town Bhilai, The

residents of that colony made complaint to applicant that complainant is drinking liquor and creating nuisance in the colony. Being President, applicant went to the house of the complainant to perused him not to create nuisance. Complainant attacked over the applicant and fell in the stir due to which he got injured on his leg. The applicant is in jail since 15.05.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and submits that the applicant is a habitual offender and there is a seizure of bamboo stick, hockey stick and one gold chain from the applicant, therefore, no case is made out to release the applicant on bail.
7. Learned counsel for the objector opposes the bail application with the submission that there is seizure of bamboo stick, hockey stick and a gold chain from the applicant so, the applicant may not be enlarged on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the offence is triable by Judicial Magistrate First Class and the present applicant is in jail since 15.05.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed, subject to following conditions:
 - That, the applicant will furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him will be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicant will make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant will 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 will not act, in any manner, which will be prejudicial to fair and expeditious trial.
- That, he will furnish a personal bond in the sum of Rs. 25,000/- with one local 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.

**Sd/-
(Rajani Dubey)
Judge**