

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3426 of 2020**

- Gopi S/o Ramgopal Kaushik, aged about 25 years, R/o Najarlal Para, Sirgitti, Police Station Sirgitti, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.
For Objector	:	Mr. Sumit Shrivastava, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.07.2020**

- Heard on admission.
- Admit.
- The accused/applicant has moved this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 275/2019 registered at Police Station -Sirgitti, District Bilaspur (C.G.) for the offence punishable under Sections 294, 323, 307, 506-B read with Section 34 of the IPC and Section 25 & 27 of Arms Act.
- On 19.03.2020, passed in MCRC No. 848/2020, the first bail application of the applicant was dismissed as withdrawn with liberty to file the same after examination of complainant.
- The allegation against the present applicant, as per the prosecution case, is that he along with other co-accused has

assaulted the victim/injured with the help of hand, first, club and sharp edged weapon i.e. knife, due to that, victim sustained grievous injuries. Based on that, after completion of investigation, offence has been registered against the applicant and he has been arrested.

- Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the co-accused person has already been granted bail by this Court on 29.11.2019 passed in MCRC No. 6494/2019. He next added that, he is in jail since 08.01.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
- On the other hand, State counsel as well as learned counsel for the Objector has opposed the bail application and submitted that victim got four grievous injuries in his body, due to that, he had been admitted for four days in the hospital. Furthermore, complainant has been threatened to withdraw the objection against the applicant, therefore, the applicant may not be granted bail by this Hon'ble Court.
- I have heard learned counsel for the parties and perused the record.
- Considering the facts and circumstances of the case, nature and gravity of the offence, further considering the fact that the co-accused has been granted bail by this Court, as the applicant is in jail since 08.01.2020 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

- Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs. 1,00,000/- with one local surity 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.

Sd/-

(Rajani Dubey)
Judge