

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5206 of 2020**

- D. Sai Kumar, S/o Semadri Alias Seemanchal, aged about 18 Years, R/o Balaji Nagar, Near Ram Mandir, Khursipaar Bhilai District Durg.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Khursipaar Bhilai District Durg.

---- Respondent

For Applicant	Shri Yogesh Pandey, Advocate on behalf of Shri Anurag Jha, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

23/11/2020

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 08.12.2019 in connection with Crime No.736/19 registered at Police Station- Khursipaar Bhilai, District Durg, C.G. for the offence punishable under Section 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 07.12.2019 at about 8:00 pm, when applicant was standing with one lady near Balaknath Temple, at that time complainant- Naseem Ali came there and asked him *why they are standing on the deserted place*. Hearing this, applicant took out knife from his pant, threatened the complainant of life and assaulted upon him by knife, as a result of which complainant- Naseem Ali sustained injuries on his chest and

stomach and became unconscious. Hearing the screaming voice of complainant, one Ravi Choudhary started shouting and on seeing him, applicant fled away from there. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. It is submitted that the injuries caused to the complainant were simple in nature. The applicant is in jail since 08.12.2019, conclusion of the trial is likely to take some time and, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant and the fact that injuries caused to the complainant and he was discharged from the hospital and that disposal of the trial is likely to take some time, without expressing any opinion on merits of the case, application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two equivalent sureties for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - (i) He 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 from disclosing such fact to the

Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) He shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh