

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7105 of 2020**

- Kunbhaj @ Kunjan Verma, S/o Shri Jasveen Kumar, aged about 21 years, R/o Subhash Chowk, Camp-I, Bhilai, Tahsil and District Durg, Chhattisgarh.

-----Applicant**Versus**

- State of Chhattisgarh Through District Magistrate, District Durg, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Ankit Singhal, Advocate
For Non-applicant	:	Mr. Siddharth Dubey, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****15/12/2020**

1. Applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.169/2020 registered at Police Station Chhavani, Durg, District Durg (C.G.) for the offence punishable under Sections 294, 506, 323, 326 and 34 of IPC.
2. Case of the prosecution is that on 18.03.2020, injured Ku. Nancy along with her sister A.Kavya went to Jubilee Park for a photo-shoot. Present applicant, who is resident of same vicinity, was also present there with whom sister of complainant had talk, at that relevant time, one Riya Nepali came there and started quarrelling with A.Kavya, after which, complainant and her sister returned back to their home.

After sometime, present applicant along with Riya Nepali came near the house of complainant and started abusing her, suddenly Riya Nepali gave assault to complainant with sharp object due to which she suffered injury over her left eyebrow and left cheek along with other injury.

3. Mr. Ishan Verma, learned counsel for the applicant submits that from the material available in the case diary, allegation of the dispute with the applicant or her sister is with Riya Nepali, no dispute has ever taken place between the complainant and present applicant. He further submits that even as per the contents of F.I.R. and statement of complainant recorded under Section 161 of CrPC, allegation of assault with sharp object is against Riya Nepali and not against the present applicant; Riya being a minor has been enlarged on Bail by the Juvenile Justice Board.
4. Controverting the submission made by learned counsel for the applicant, Mr. Ashish Tiwari, learned Government Advocate submits that the present applicant is also involved in commission of the offence as there is specific allegation that he also abused the complainant. He opposes the prayer of the learned counsel for the applicant for enlarging the applicant on bail.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the entirety of the facts and circumstances of the case, particularly, considering the nature of allegation against the present applicant and as per the contents of F.I.R., statement of complainant, assault with sharp object has been made by Riya

Nepali, without commenting on the merits of the case, I am inclined to allow the bail application.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge