

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7548 of 2020

- Khilesh @ Khileshwar Bharti S/o Siyaram Bharti Aged About 27 Years Resident Of Village Ghorbhatthi Police Station Kharora, District Raipur Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Its Police Station Kharora, District Raipur Chhattisgarh. **---- Respondent**

For Applicant : Shri B.L. Sahu, Advocate
For Respondent/State : Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08/12/2020

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 27.08.2020 in connection with Crime No.434/2020, registered at Police Station Kharora, District- Raipur (C.G.) for the offence punishable under Section 294, 323, 506-B, 452, 34, 147, 148, 149, 325, 307 of IPC & 25, 27 of Arms Act.
- 5) Prosecution case in brief is that on 29.10.2019 at village Ghorbhatthi near the snack cart, son of Dini Joshi was allegedly used filthy words in the meantime, complainant's relative Vikash Verma trying to restrain him, then altercation took place. It is also alleged that the present applicant along with other villager came holding weapons, rod and club, assaulted the complainant and her family members and also threatened for life.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that there is no criminal record of the applicant. He further argued that injuries sustained by the complainant and her family members were simple in nature. He next submits that the applicant is in jail since 27.08.2020, charge-sheet has been filed, the co-accused has already been released on bail vide order dated 09.06.2020 in MCRC No. 1834 of 2020 passed by co-ordinate Bench of this Court and the offence is triable by the Magistrate and looking to the conduct of the prosecution, it is clear that the trial will take time for its conclusion.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application, however, the applicant has no criminal antecedent.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of offence, and the fact that the applicant has no criminal antecedent as admitted by both the counsels, co-accused has already been released on bail and conclusion of trial may take some time, the application is allowed.
- 9) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail, he is directed to appear before the Trial Court on each and every date given to him by the said Court, till disposal of the trial.
- 10) It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

**(Gautam Chourdiya)
Judge**