

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7100 of 2020**

- Subhash Khadiya, S/o Gada Rai Khadiya, aged about 23 Years, R/o Village – Raikera, Police Station & Tahsil– Gharghoda, District – Raigarh, Civil & Revenue District Raigarh (C.G.).

----Applicant**Versus**

- State of Chhattisgarh, through Officer-in-charge Police Station-Gharghoda, District - Raigarh (C.G.).

---- Respondent

For Applicant
For State

Shri Ashutosh Mishra, Advocate.
Shri Dinesh Tiwari, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

01/12/2020

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 29.07.2020 in connection with Crime No.190/2020 registered at Police Station-Gharghoda, District - Raigarh, C.G. for the offence punishable under Sections 147, 148, 149, 294, 332, 333, 353, 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.05.2020 at about 4.30 PM, the applicant along with other co-accused persons were in drunken condition and had a fight with the guard of NTPC namely Dashrath Kujur. It has been further

alleged that during the altercation between them the present applicant inflicted injuries to one Pratap Khalkho blowing knife. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He also submits that there is no criminal antecedent of the applicant. He next added that the other co-accused persons have been granted bail in MCRC Nos. 5222/2020 & 6116/2020 and the applicant is in jail since 29.07.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail by imposing suitable conditions.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the detention period of the applicant, the fact that the applicant has no criminal antecedent as admitted by both the counsel for the parties and that the trial is likely to take some time for conclusion, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the 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 sureties of Rs.25,000/- each 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

Ruchi