

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 76 of 2021**

- Nanka Ram, S/o Shri Bhungo, aged about 61 Years, R/o Village Turiyabira, Police Station and Tahsil Lundra, District Surguja Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Officer In Charge Police Station Lundra, District Surguja Chhattisgarh.

----Non-applicant

For Applicant
For State

Mr. Amit Kumar Chaki, Advocate.
Ms. Shubha Shrivastava, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/02/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.55/2020 registered at Police Station – Lundra, Surguja, District Surguja, C.G. for the offence punishable under Section 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 20.05.2020 at about 13:30 hours, complainant was sitting in the verandah along with his wife and daughter and his father was sitting in the shade of Tamarind tree and making a *Jhelangi*. After some time, he heard the noise of fighting between the applicant and Dhaurpuriha alias Shriram, he came outside and saw that his father was pacifying the dispute and during this process Nanka Ram/applicant due to

previous enmity assaulted the father of the complainant within the intention to kill him on his head with Axe thrice as a result of which his father fell down and started bleeding profusely.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the ingredients necessary for making out a case under Section 307 of IPC are missing in this case. The injured remained in hospital for 10 days only and no other complication was found by the Doctors. The applicant is in jail since 21.05.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, the nature of injury allegedly caused by the applicant, the fact that the injured remained hospitalized only for ten days, the detention period of the applicant, the age of the applicant i.e. 61 years, charge sheet has already been filed and conclusion of trial may take some time, 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.1,00,000/- with two sureties of Rs.50,000/- 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

Akhilesh