

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 173 of 2021

1. Mordhwaj Sinha S/o Pawan Sinha Aged About 25 Years R/o Thankhamhariya, P.S. Thankhamhariya, District : Bemetara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through P.S. Thankhamhariya, District- Bemetara (C.G.).

---- Non-Applicant

For Applicant	: Mr. Rajesh Kumar Kesharwani, Advocate.
For Non-Applicant/State	: Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 04/12/2020 in connection with Crime No. 153/2020 registered at Police Station Thankhamhariya, District- Bemetara (C.G.) for the offence under Sections 324, 506, 353, 186, 332, 120-B, 34 of IPC.
- 2) Case of the prosecution, in brief is that the on 27/10/2020 at about 5 PM when complainant Vimal Kumar Sahu, Jr. Engineer in Chhattisgarh State Power Distribution Company Limited, Thankhamhariya went to Sub-Station, Khamariya, he saw Khemlal Netam & Rahul, who are employees in his office, talking with 2 unknown persons carrying club in their hands. When the complainant was attending the call of nature, those 2 unknown persons all of a sudden assaulted on his head with bamboo stick and spade and committed Maarpet with him. Immediately the complainant ran away from there and upon intervention by the other employees, the assailants fled from the spot. During investigation it was found that co-accused Dani Nirmalkar and the

present applicant had assaulted the complainant. On their memorandum statements the weapon of offence i.e. spade and bamboo stick were seized.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant is in jail since 04/12/2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the applicant is the first offender having no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, the offence is triable by Judicial Magistrate First Class, the detention period of the applicant, the fact that charge sheet has already been filed and the trial is likely to take some time for disposal, without commenting anything on merits of the case, 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant