

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 628 of 2021

- Kalaram Yadav, aged 42 years, S/o Krishram Yadav, at – Kevat Para, Barauda, P.S. Rajim, Gariyaband (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through P.S. Rajim, District – Gariyaband (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Lukesh Kumar Mishra, Advocate
For Non-Applicant/State	:	Shri Shrikant Kaushik, Panel Lawyer,

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

05.04.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 17.07.2020 in connection with Crime No. 110/2020 registered in Police Station- Rajim, District Gariyaband (CG) for the offence punishable under Sections 294, 307 & 323 of IPC.
2. Case of the prosecution in brief is that on 10.06.2020 complainant Pritam Yadav lodged the *Dehatinalshi* alleging that he was sitting at Maria Chowk, Baronda, the present applicant came there and assaulted him with some sharp object on his head. When the father of the complainant asked the applicant about the incident, the applicant also bit his right cheek. On the basis of *Dehatinalishi*, the F.I.R. was registered against the applicant under Crime No. 110/2020 in Police Station Rajim, District Gariyaband (C.G.)
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He further submits that the applicant is languishing in jail since 17.07.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and

circumstances of the case, considering the nature of injuries sustained by the complainant, he was not admitted in hospital even for a day and no further treatment was required, detention period of the applicant who is 42 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some, and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.

6. 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge