

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 133 of 2021**

- Saif Ali Khan, S/o Abril Khan, Aged About 19 Years R/o Ashok Nagar, Murum Khadan Khamtarai, Police Station Sarkanda, Tahsil And District Bilaspur Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, through - Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh., **---- Non-applicant**

For Applicant : Mr. Nitansh Kumar Jaiswal Advocate.

For State : Dr (Ms) Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****11-02-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 23-10-2020 in connection with Crime No. 985 of 2020 registered at Police Station Sarkanda, District Bilaspur (CG) for the offence punishable under Sections 294, 506 & 307 of IPC.
2. The case of the prosecution, in brief, is that on 23-10-2020 at about 7.00 pm, when the complainant was returning to his house at that time family dispute arose between the applicant and complainant, wherein the applicant abused, threatened and assaulted the complainant, as a result of which he sustained injury, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, the injury sustained by the victim is simple in nature and the victim was discharged from hospital within a week. He would further submit that except present one, present applicant has no other criminal case charge sheet has been filed, he is in jail since 23-10-2020, 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. However, he submits that except present one, applicant has no other criminal case.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary reveals that the victim was admitted in hospital on 23-10-2020 and was discharged from hospital on 27-10-2020, as per MLC report victim sustained two lacerated wounds.
7. Considering the facts and circumstances of the case, the dispute arose due to bad will of complainant against wife of the applicant, nature of injuries sustained by the victim, looking to the age of the applicant ie.19 years, the fact that the applicant is in custody since 23-10-2020, the victim was discharged from hospital within a week, charge-sheet has been filed and there is no likelihood of the applicant tampering with evidence of absconding, the

applicant has no criminal criminal antecedents admitted by both the parties, and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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,
- 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, and
- 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 this court.

Sd/-
(Gautam Chourdiya)

Judge

Raju