

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 284 of 2021

- Tiharuram Dhruv, S/o Kashiram Dhruv, Aged About 50 Years, R/o Chichpol, Chauki Karhibazar, Thana City Kotwali Balodabazar, District- BalodaBazar-Bhatapara, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station City Kotwali Balodabazar, District- Baloda Bazar-Bhatapara, Chhattisgarh. ---- **Non-Applicant**

For Applicant	: Smt. Supriya Upasane, Advocate
For Non-Applicant/State	: Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01.04.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 18.11.2020 in connection with Crime No. 785/2020, at Police Station- City Kotwali, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 147, 148, 294, 307, 323, 506 (B) of I.P.C.
2. The allegation against the present applicant is that on 15.11.2020 at about 6.00 p.m. he assaulted the wife of the complainant namely Chameli Bai with sharpe edged weapon Axe and caused injuries on the various parts of the body of her. Thereafter, the applicant alongwith other co-accused persons namely Dayaram, Vishnu, Tulsi and Shriram having common intention to kill, assaulted the son of complainant namely Thanuram Lohar.
3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, she submits that

necessary ingredients of Section 307 of IPC are missing. She further submits that the present applicant is 50 years old person, he is in jail since 18.11.2020. The complainant namely Babulal on 26.02.2021 filed an affidavit that he amicably settled the dispute with the present applicant and other co-accused persons, the fact that the applicant has lodged F.I.R. against the complainant party on 16.11.2020 at 22.10 Hrs. bearing Crime No. 0786/2020 for offence under Section 294, 323, 506 (B)/34 of IPC and charge-sheet has already been filed. It is further submitted that the applicant/accused has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that prima-facie case is made out against the present applicant because he assaulted the wife of the complainant with axe and caused injuries on head, left wrist. However, he has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of injuries of wife and son of the complainant, from the covering memo (affidavit) it is clear that the complainant had resolved the matter with the accused persons including the present applicant, counter F.I.R. was also lodged by the present applicant against the complainant party, detention period of the applicant, charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of the 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 following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) 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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim