

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 450 of 2021

1. Dubraj Chouhan S/o Late Aghnu Ram Chouhan, Aged About 45 Years, Caste-Chik, Occupation Constable, R/o Village Goriya, Bartoli, Police Station Narayanpur, District Jashpur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Kansabel, District Jashpur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Jitendra Kumar Saxena, Advocate.
For Non-Applicant/State	:	Ms. Seema Dixit, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/03/2021

- 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 07/12/2020 in connection with Crime No. 74/2020 registered at Police Station Kansabel, District Jashpur (C.G.) for the offence under Sections 294, 506B, 324 & 326 of IPC and under Section 25 & 27 of Arms Act.
- 2) Case of the prosecution in brief is that complainant Gurudev Ram was lodged report at Police Station Kunkuri that on 21/08/2020 the applicant caused him grievous injury by *Dauli*, which is made of iron. The applicant also caused grievous injury on the left wrist of one Baleshwar Ram, hence the aforesaid offence has been registered against the present applicant.

- 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 applicant is in jail since 07/12/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. She submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of injury found of the body of the victim and X-ray report, that the dispute arose between the party over trivial issue arrears of rent of Tractor, the detention period of the applicant, the charge sheet has already been filed, and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, 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. 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 Court.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant