

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 571 of 2021

1. Bhusan Verma S/o Santosh Verma, Aged About 20 Years, R/o Ward No. 14 Khorpa Tehsil Patan And District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O., P.S. Patan, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For Non-Applicant/State	: Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24/03/2021

- 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 29/11/2020 in connection with Crime No. 173/2020 registered at Police Station Patan, District Durg (C.G.) for the offence under Sections 294, 506, 323, 307/34 of IPC.
- 2) Case of the prosecution, in brief, is that complainant Yepal Singh is an employee the Foreign Liquor Shop situated at Patan. When the applicant alongwith co-accused came to his shop for purchase of liquor, the complainant refused to give them liquor saying that the shop has been closed. When the complainant alongwith other employees of the liquor shop were returning to their home, on the way the applicant and the other co-accused person intercepted the complainant, abused him filthily and assaulted the complainant and his brother Mukesh Kumar with club. On report being lodged to the above affect, offence has been registered against the accused persons.

- 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 has been arrested on 29/11/2020, charge sheet has already been filed, applicant has no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of injuries sustained by complainant Yepal single is simple, though Mukesh Kumar sustained grievous hurt but he was admitted in hospital on 29/11/2020 and discharged on 30/11/2020 without any complications, the detention period of the applicant who is 20 years old, charge sheet has already been filed, and the fact that the applicant is a young offender having 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.

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

Chandrakant