

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 881 of 2021**

- Aghanuram Nishad, S/o Tiharuram, aged about 35 Years, R/o Village Amerikapa, P.S. and Tahsil Bilha, District Bilaspur, Chhattisgarh.

----Applicant

**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Bilha, District Bilaspur, Chhattisgarh.

----Non-applicant

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| For Applicant | Shri Ravi Maheshwari, Advocate. |
| For State     | Smt. Smriti Shrivastava, P.L.   |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**15/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.77/2020 registered at Police Station- Bilha, District Bilaspur, C.G. for the offence punishable under Sections 294, 323, 506, 325 & 326 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 12.05.2020 complainant- Sadharam Sahu lodged a report against the present applicant alleging in it that on 07.05.2020 applicant assaulted upon the complainant by piece of brick as a result of which he sustained various injuries on his body. On report to the above effect being lodged by the complainant, offence under the aforesaid sections were registered against the 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 no assault was made by the applicant to victim on the date of incident and he was not present on the spot. He submits that the applicant is in jail since 20.11.2020, charge sheet has already been filed and conclusion of 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. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of dispute between the complainant and the victim, further considering the fact that assault was made by applicant upon victim by bricks only, the detention period of the applicant, who is aged 35 years, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, 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 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

Akhilesh