

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 939 of 2021

1. Pushkar Sahu S/o Mohit Sahu, Aged About 23 Years, Resident Of Village Gadbeda, Police Station And Tahsil Pithora, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Pithora, District Mahasamund (C.G.).

---- Non-Applicant

For Applicant	: Mr. Vikash Pradhan, Advocate.
For Non-Applicant/State	: Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

06/04/2021

- 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 12/10/2020 in connection with Crime No. 44/2020 registered at Police Station Pithora, District Mahasamund (C.G.) for the offence under Section 294, 323, 506 & 307 of IPC.
- 2) Case of the prosecution, in brief, is that on 10/03/2020 at 7 PM the applicant was filthily abusing the elder brother of the complainant namely Ved Prakash and when the complainant Tikam Sahu objected to it, the applicant assaulted him with a sharp edged weapon on the left side of his waist as also on the chest and further threatened him of killing. On report being lodged to the above effect, offence has been 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 in fact it is the complainant party who assaulted the

applicant and therefore, the applicants mother Savitri Bai lodged FIR against the complainant party herein bearing Crime No. 45/2020 for the offence under Sections 294, 323 and 506 of IPC. He further submits that the applicant has been arrested on 12/10/2020, charge sheet has been filed and conclusion of trial is likely to take some time for its disposal. He submits that the applicant has no criminal antecedents. Therefore, the applicant deserve to be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He further 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 fact that a counter FIR was lodged by the applicant's mother bearing Crime No. 45/2020 for the offence under Sections 294, 323 and 506 of IPC, the detention period of the applicant who is 23 years old, 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