

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 765 of 2021**

1. Narmada Patel S/o Raghunandan Patel, Aged About 40 Years, R/o Mangla, Police Station Civil Lines, District Bilaspur (C.G.).

**---- Applicant**

**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Civil Line, District Bilaspur (C.G.).

**---- Non-Applicant**

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|-------------------------|-----------------------------------------|
| For Applicant           | : Ms. Renu Kochar, Advocate.            |
| For Non-Applicant/State | : Ms. Smriti Shrivastava, Panel Lawyer. |
| For Objector            | : Mr. Tarun Dansena, Advocate.          |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**09/03/2021**

- 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 05/12/2020 in connection with Crime No. 898/2020 registered at Police Station Civil Line, District Bilaspur (C.G.) for the offence under Sections 294, 452 & 307 of IPC.
- 2) Case of the prosecution, in brief, is that on 05/12/2020 a report was lodged by complainant Sita Patel that the applicant who is her husband had ousted her from his house suspecting her character and therefore she is living in the house of her father and running a Dairy. On 05/12/2020 at 5 PM her husband i.e. applicant Narmada Patel with his friend Santosh Patel came to her house and started quarreling and abusing over taking the Cows of her Dairy with him. During this process co-accused Santosh Patel caught her from behind and the present applicant Narmada Patel with intention to kill her assaulted on her with knife which hit her right knee. When her mother Sumrit Patel and sister Jamuna Patel intervened, the

applicant also assaulted them with a club as a result of which they sustained injuries.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has also lodged FIR against the complainant party in the same incident bearing Crime No. 900/2020 for the offence under Sections 294, 506, 323, 34 of IPC at Police Station Civil Line, District Bilaspur. He further submits that the applicant has been arrested on 05/12/2020, charge sheet has already been filed and 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.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the applicant also lodged a counter report against the complainant party in relation to the same incident for the offence under Sections 294, 506, 323, 34 of IPC, the nature of allegations and counter allegations made against the parties, as per medical reports injured Sita Patel, Jamuna Patel and Sumrit Patel, the nature of injuries suffered by them, the detention period of the applicant, charge sheet has already been filed, 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. 1,00,000/-** with **two** sureties of Rs. 50,000/- 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