

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 642 of 2021**

- Matua Baiga, S/o Late Manju Baiga, Aged About 55 Years, R/o Bahitola, Police Station Janakpur, Tahsil Bharatpur, District Koriya, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Janakpur, District Koriya, Chhattisgarh.

---- Non-applicant

For Applicant	:	Shri Akhtar Hussain, Advocate.
For State	:	Shri Vaibhav Singh, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****23/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.117/2020 registered at Police Station Janakpur, District Koriya, C.G. for the offence punishable under Sections 294, 323, 506 & 307 of the Indian Penal Code, 1860.
2. Case of the prosecution, in brief, is that on 21.08.2020 at about 9:00 am, victim Mayuk Baiga, husband of the complainant Sukhmanti Bai, was shouting at his wife/complainant for taking the cattle out. At that time the present applicant, brother-in-law (Jeth) of the complainant started abusing the victim filthily and assaulted with Axe on his head and also threatened him of life. On report being lodged to the above

effect, the aforesaid offences have 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 as per MLC of the victim, no grievous injury was sustained by him. he further submits that the victim Mayuk Baiga sworn the affidavit to the effect that no assault was made on him by the present applicant and he sustained the injury accidentally. The victim has also stated that he has no objection to release of the applicant on bail. The said affidavit has been filed by him with the covering memo. The applicant who is 55 years old is in jail since 23.08.2020, charge sheet has already been filed and the 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 injury sustained by the victim, the detention period of the applicant who is 55 years old, the fact that the applicant has no criminal antecedent and there is no apprehension of his absconding or tampering with the evidence as admitted by both the counsel, charge sheet has already been filed, the affidavit of the victim filed by the counsel for the applicant with the covering memo where the victim has raised no objection to release of the applicant on bail and that the conclusion of the trial is likely to take some time, without commenting

anything on 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 surety for the like sum amount of Rs.25,000/- 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