

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 760 of 2021**

- Sevakram Tandan, S/o Brijlal Tandan, aged about 51 Years, R/o Village-Bansivni, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through P.S.- Mahasamund, District- Mahasamund Chhattisgarh.

----Non-applicant

For Applicant	Shri Pawan Kesharwani, Advocate.
For State	Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

02/03/2021

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.666/2020 registered at Police Station Mahasamund, District Mahasamund, C.G. for the offence punishable under Sections 307, 323, 34 of Indian Penal Code.
2. As per prosecution case, complainant Tosh Kumar lodged a report that on 20.11.2020 at 10:00 am when he went to the village pond for taking bath, the applicant on account of previous enmity assaulted him with club on his thigh. The complainant somehow escaped from there and went to his home where he informed about the incident to his father. When the complainant and his family members went towards the pond for bringing back the child, the

applicant, Bharatlal and Raman assaulted the complainant and his father with club, bamboo stick and iron rod, filthily abused them and also threatened them of life.

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 this case applicant also sustained injuries and a counter report was lodged against the complainant party. The applicant is in jail since 23.12.2020 and conclusion of trial is likely to take some time. Therefore, it is prayed that, applicant may be granted regular 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 injuries sustained by the applicant and the complainant party, the fact that counter FIR bearing Crime No.665 of 2020 for the offence under Sections 307, 323, 34 of IPC was lodged by the applicant against the complainant party, the detention period of the applicant, 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 is likely to 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh