

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 874 of 2021

- Bhagwan Das, S/o- Ramchander, Aged About 23 Years, R/o Village- Budhatand, Police Station- Basantpur, District- Balrampur – Ramanujganj, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station Basantpur, District- Balrampur - Ramanujganj Chhattisgarh. ---- **Non-Applicant**

For Applicant	: Shri Arun Kumar Shukla, Advocate
For Non-Applicant/State	: Shri Ayaz Naved, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24.06.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 29.12.2020 in connection with Crime No. 89/2020 registered at Police Station- Balrampur-Ramanujganj (C.G.) District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 294, 307 of I.P.C.
- 2) Case of the prosecution, in brief, is that on 13.07.2020 at night 11.45 at village Budhadand, in a public place, the present applicant abused complainant Dilesh Dewangan filthily and stabbed him with knife on vital part of the body-abdomen. On report being lodged to the above effect, the offence has been registered against the present applicant.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant is a young offender, he has no criminal antecedents, there is no likelihood of the applicant tampering

with the prosecution evidence or absconding, charge-sheet has already been filed, the applicant has been arrested on 29.12.2020, the victim/complainant was discharged from hospital in a short span of time and due to Covid-19 pandemic trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation, nature of injury, the fact that the victim/complainant has been discharged from the hospital within a short span of time, 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 antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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 strictly follow the COVID-19 protocol

issued by the Central Government/State
Government/Local Authority,

(v) he shall not involve himself in any offence of
similar nature in future.

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

Nadim