

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 763 of 2021

1. Rajesh Mishra S/o Late Shri Ramdatta Mishra, Aged About 40 Years, Resident Of Dodipara Bhais Khatal Ke Paas Chouki C.S.E.B. Korba, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Chouki C.S.E.B. Korba, Police Station Kotwali Korba, District Korba (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Vikas Pandey, Advocate.
For Non-Applicant/State	:	Ms. Ishwari Ghritlahare, Panel Lawyer.
For Objector:	:	Mr. Ashish Gupta, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02/03/2021

- 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 09/12/2020 in connection with Crime No. 786/2020 registered at Police Station Kotwali Korba, District Korba (C.G.) for the offence under Sections 307, 294, 506 & 323 of IPC.
- 2) Allegation against the applicant is that on 14/09/2020 at about 05:15 PM he assaulted his wife Anubha Mishra with club in her head with intention to kill her and when her sister Renuka Shukla neighbour Praveen Singh intervened, they were also assaulted by the applicant with club as a result of which all the three sustained injuries on various parts of the body.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 09/12/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. She submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of injuries sustained by the victim being simple in nature, the detention period of the applicant, 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