

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 981 of 2021

- Roshan Lahre, S/o Niranjan Lahre, Aged About 31 Years, Occupation- Agriculturist, R/o Village- Patharra, Police Station- and Tahsil- Bemetara, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: The Station House Officer Police Station- Bemetara, District- Bemetara, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Shri Kanwaljeet Singh Saini, Advocate
For Non-Applicant/State	:	Shri Vaibhav Singh, P.L.
For Complainant	:	Shri Anupam Sharma, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 27.11.2020 in connection with Crime No. 680/2020, at Police Station- Bemetara, District- Bemetara (C.G.) for the offence punishable under Section 294, 506, 323, 307, 325 of I.P.C.
2. Case of the prosecution, in brief, is that on 15.11.2020, the complainant lodged F.I.R. against the present applicant that by abusing filthily the applicant assaulted the brothers of the complainant namely Bajrang Patwa and Kuleshwar Patwa with sharpe edged weapon axe and gave threat to life, as a result of which they received several injuries on various parts of the body.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he submits that

charge-sheet has already been filed, the complainant has no objection to grant of bail to the present applicant. The present applicant has no criminal antecedents of similar nature of offence, except two cases of Excise Act, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant assaulted elder brother of the complainant with sharpe edged weapon axe and caused injuries on various parts of the body. However, he has two criminal antecedents under Excise Act.
5. Complainant is present in person alongwith his counsel and submits that he has no objection to grant of bail to the applicant.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, nature of injuries, submission of the complainant who appeared in person before this Court and raised no objection to grant of bail to the applicant, detention period of the applicant, who is 31 years old, charge-sheet has already been filed, the fact that the applicant has no criminal antecedents of similar nature of offence, 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.
7. It is directed that in the event of the 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 following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) 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 Bench.

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