

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 880 of 2021

- Khedu @ Khedan Nishad son of Firat Ram Nishad, aged about 30 years, R/o Village Kundel, Chowki Kareli Badi, Police Station Magarlod, District Dhamtari (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Police Chowki Kareli Badi, Police Station Magarlod, District Dhamtari (C.G.)

---- State/Non-applicant

For Applicant	:	Shri P.K. Patel & Ms. Nand Kumari, Advocates
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate and Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 17.11.2020 in connection with Crime No. 236/2020 registered in Police Chowki – Kareli Badi, Police Station – Magarlod, District Dhamtari (CG) for the offence punishable under Sections 307 & 325 of IPC.
2. Allegation against the present applicants is that he was having affair with the complainant and just to get rid of her, he assaulted the complainant by means of *lathi* and cement pot on her head.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated by the prosecutrix in this crime. He also submits that the applicant is languishing in jail since 17.11.2020, charge-sheet has been filed and conclusion of the 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. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the nature of injury sustained by the

complainant, she was discharged from hospital within seven days and there was no any complication, the applicant and the complainant were having affair for long time, that the applicant, who is 30 years old, is in jail since 17.11.2020, charge-sheet has already been filed, conclusion of the trial is likely to take some time, applicant has no criminal antecedent as admitted by learned counsel for the parties, there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.

6. 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 Bench.

Sd/-

(Gautam Chourdiya)
Judge