

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1023 of 2021

1. Manoj Kumar Nirala S/o Ramdas, Aged About 35 Years, R/o Village Salaunikala, Police Station Bhatgaon, District (Revenue And Civil) Balodabazar- Bhatapara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Bhatgaon, District (Revenue And Civil) Balodabazar Bhatapara (C.G.).

---- Non-Applicant

For Applicant	: Mr. Sanjeev Das, Advocate.
For Non-Applicant/State	: Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22/03/2021

- 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 23/12/2020 in connection with Crime No. 180/2020 registered at Police Station Bhatgaon, District (Revenue And Civil) Balodabazar Bhatapara (C.G.) for the offence under Sections 294 & 307 of IPC.
- 2) Allegation against the present applicant is that on 03/09/2020 he abused the complainant filthily and with intention to kill him, assaulted with club on his head, back, left ear and left shoulder.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He further submits that the applicant has been arrested on 23/12/2020, charge sheet has already been filed, applicant has no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant deserve to be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of injuries, the fact that the victim was admitted on 04/09/2020 and discharged from Hospital on 09/09/2020, his condition at the time of discharged has improved, there is no opinion by the Doctor regarding the injuries being grievous in nature, the detention period of the applicant who is 35 years old, 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.

-Sd/-
(Gautam Chourdiya)
Judge