

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1028 of 2021

- Aaditya Mittal, son of Kamal Kishor Mittal, aged around 20 years, resident of Mahuapali Road, Kharsia, Tahsil – Kharsia, District Raigarh (Chhattisgarh)

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station – Kharsia, District Raigarh (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Hari Agrawal, Advocate
For Non-Applicant/State	:	Shri Hariom Rai, Panel Lawyer,

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 16.12.2020 in connection with Crime No. 522/2020 registered in Police Station- Thana Kharsia, District Raigarh (CG) for the offence punishable under Sections 147, 323, 327, 427 & 506 of IPC.
2. Case of the prosecution in brief is that on 11.12.2020 at about 10:15 pm, the present applicant alongwith other co-accused persons namely Rahul Rathore, Faizan Khan and others reached at Hotel Family Dhaba which is being run by complainant Rakesh Kumar Yadav and demanded food. When the complainant denied to give food, they demanded money from him, the complainant again denied them. Then the applicant alongwith other co-accused persons assaulted the complainant with hands and fists and caused knife injury as a result of which the complainant sustained injuries on his hands and chest. Thereafter, the applicant and other co-accused persons damaged the property situated in the said Dhabha amounting to Rs.55,000/-.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He further submits that two co-accused persons namely Rahul Rathore and Faizan Khan have already been granted bail by

the trial Court. He also submits that the applicant is languishing in jail since 16.12.2020, 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, considering the nature of injuries sustained by the complainant, detention period of the applicant who is 20 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some, the applicant has no criminal antecedent as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding, and that two co-accused persons have already been granted bail by the trial Court, 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