

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1025 of 2021**

- Monu @ Sandesh Kamde, S/o Nandkishore Kamde, aged about 28 Years, R/o Jai Bhim Nagar, Urla , Police Station Mohan Nagar, District Durg, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant	Mr. T.K. Jha, Advocate.
For State	Ms. Ishwari Dhritlahre, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****22/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.396/2020 registered at Police Station Mohan Nagar, District Durg, C.G. for the offence punishable under Sections 294, 324, 34, 452 & 506-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant namely Smt. Sheela Dongre lodged a report in police station Mohan Nagar, stating that co-accused Nandkishore Kamde was installing mobile tower on vacant land which is nearby her house. The people of locality opposed the activity of the co-accused Nandkishore Kamde. Thereafter, co-accused Nandkishore

Kamde along with two sons namely co-accused Sonu @ Trilok Kamde and the present applicant Monu @ Sandesh Kamde entered the house of the complainant and abused them and on the instigation of co-accused Nandkishore, his son (present applicant) caused injuries to the children of complainant and also threatened the complainant with dire consequences, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that except the present case, no other case is pending against the present applicant. The applicant is in jail since 25.11.2020, charge sheet has already been filed, conclusion of trial is likely to take some time and that co-accused persons namely- Nandkishore Kamde & Sonu @ Trilok Kamde in this case have already been granted regular bail by this Court vide order dated 28.01.2021 passed in MCRC No.9213 of 2020 and, therefore, the applicant be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations against the applicant and the fact that the children of the complainant sustained injuries and admitted in hospital

only for 4-5 days, further considering the detention period of the applicant, who is 28 years old, charge sheet has already been filed, the fact that the co-accused persons in this case have already been granted regular bail by this Court, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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