

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1019 of 2021

- Nawambar Lal @ Gudda, S/o Late Kaliram, Aged About 32 Years, R/o Village Mohanpur, Police Station Pasan, Tahsil Podi, Uproda, District Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Of Police Station Khadgawa, District Koriya, Chhattisgarh

---- Non-Applicant/State

For Applicant	:	Shri Anil Gulati, Advocate
For Non-Applicant/State	:	Smt. Seema Dixit, P.L.

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 25.12.2020 in connection with Crime No. 222/2020 at Police Station- Khadgawa, District- Koriya (C.G.) for the offence punishable under Section 307/34 of I.P.C.
2. Case of the prosecution, in brief, is that co-accused Anand Singh was suspecting that victim Krishna Sharma has illicit relation with his wife namely Kalavati. For this reason, on 05.08.2020 co-accused Anand Singh alongwith the present applicant went to the house of the victim at 8.30 p.m. armed with bow and arrow and while the victim was standing outside his toilet co-accused aimed arrow at the victim which pierced into his abdomen.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he submits main

accused of this case namely Anand Singh had caused injury , the present applicant was only present at the time of incident with the main accused. The applicant/accused has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 25.12.2020 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 has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicant, the fact that the injury was caused to the victim by the co-accused namely Anand Singh, the present applicant has no criminal antecedents, 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.
6. 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