

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1145 of 2021**

Kanhaiya Sahu S/o Gariba Sahu aged about 28 years, R/o Shivanand Nagar Jhanda Chowk, Police Station: Khamtarai Raipur, District: Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through its Police Station: Khamtarai, District: Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Ravi Maheshwari, Advocate.
For Respondent/State	: Mr. Vimlesh Bajpai, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

06.04.2021

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 264/2020, registered at Police Station – Khamtarai, Civil & Revenue District: Raipur (C.G.) for the offence punishable under Section 307 of IPC.
2. Allegation against the present Applicant is that at around 07:00 P.M. when the complainant was standing near Jhanda-Chowk, Shivanand Nagar along with other person, the present Applicant came there and started using filthy language. It is also alleged that the Applicant with the help of one sickle attacked the complainant due to which he got injured. On the basis of above, the offence has been registered against the present applicant and he has been arrested on 30.06.2020.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He submits that charge-sheet has been filed but trial is likely to take some time and the Applicant is in jail since 30.06.2020. Therefore, Applicant be released on bail.

4. Per contra, learned counsel appearing on behalf of the state opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case and further considering the fact that the Applicant is in custody since 30.06.2020, and the fact that the Applicant has no criminal antecedent, charge sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on 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.

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