

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1728 of 2021

- Mahavir Sonwani, S/o Fulchand Sonwani, Aged About 20 Years, R/o Satnami Para Gharghoda, Police Station- Gharghoda, Tahsil Gharghoda, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through- Police Station Gharghoda, District- Raigarh, Chhattisgarh. **---- Non-Applicant/State**

For Applicant	: Shri Rohitashva Singh, Advocate
For Non-Applicant/State	: Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10.03.2021

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. 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 11.11.2020 in connection with Crime No. 267/2020, at Police Station- Gharghoda, District- Raigarh (C.G.) for the offence punishable under Section 294, 34, 458, 506 of I.P.C. & Section 25, 27 of Arms Act.
5. The allegation against the applicant is that on 09.11.2020 at about 08.00 pm the applicant alongwith other co-accused persons came in a WagonR Car armed with sword and club (*danda*) to the house of the complainant Raja Khan and they entered into the house, abusing him and threatened him of life.
6. Learned counsel for the applicant submits that the allegation

against the applicant is false and fabricated, he submits that the applicant is young offender, the co-accused persons have already been granted bail by this Court vide order dated 14.01.2021 in MCRC No. 9081 of 2020, applicant is in jail since 11.11.2020, charge-sheet has already been filed, the applicant has no criminal antecedent, there is no likelihood of the applicant tempering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

7. 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.
8. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicant who is 20 years old, the applicant is young offender, the fact that the co-accused persons have already been granted bail by this Court, the applicant has no criminal antecedents, there is no likelihood of the applicant tempering 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.
9. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- 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