

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3799 of 2021

- Mohan Patel S/o Shri Ghasiram Patel, aged about 63 years R/o Village Khatti, Thana- Khailari, Tahsil and Distt. Mahasamund (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through through the Station House Officer, Police Station Khallari, Distt. Mahasamund (C.G.)

---- State/Non-Applicant

For Applicant : Shri Sunil Sahu, Advocate

For Non-Applicant/State : Shri Adil Minhaj, Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

23/07/2021

1. Heard.
2. The applicant has preferred this Second bail application under Section 439 of Cr.P.C. as he is in jail since 06/01/2021 in connection with Crime No. 02/2021 registered in Police Station- Khallari, Distt. Mahasaund (CG) for the offence punishable under Sections 294, 506 and 307/34 of the IPC.
3. First bail application of the applicant was dismissed as withdrawn vide order dated 08/03/2021 passed in M.Cr.C. No. 692/2021 by this Court.
4. As per prosecution story, on 01/01/2021 at about 7 PM, Pawan Patel, Manoranjan Patel, Hanif Khan and Punarad Sahu were playing Ludo in the village near the house of Complainant Kundan Patel. While playing, co-accused Pawan Patel was abusing filthily. When the father of the Complainant Kishan Patel objected to it, co-accused Pawan Patel started quarreling with him. Hearing the commotion, applicant Mohan Patel and other villagers came there. The applicant slapped Kishan Patel and thereafter other co-accused persons had a scuffle with Kishan Patel which

were intervened by the villagers. However, at about 7:30, the applicant came back from his house with an Axe and assaulted Kishan Patel on his head with intention to kill him. When the applicant attempted to repeat the blow, the villagers snatched the Axe from him.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he is in jail since 06/01/2021, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, other co-accused persons have already been enlarged on bail and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
6. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, particularly considering the fact that only singular injury has been caused by the applicant, the applicant is aged about 63 years who is in jail since 06/01/2021, co-accused persons have already been released on bail, there is no criminal antecedent against the applicant, there is no likelihood of the applicant tampering with the prosecution evidence or absconding and due to covid-19 pandemic, 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 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 :-
 - 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. 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 canceled without further reference to the court.

10. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

rahul