

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3467 of 2021

- Ram Narayan, S/o Richku, Aged About 60 Years, R/o Village Ghui Police Station Ramkola, Tahsil- Pratappur and District- Surajpur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- S.H.O. Police Station Ramkola, District- Surajpur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Abhijit Sarkar, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

10.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 08.03.2021 in connection with Crime No. 26/2019, registered at Police Station- Ramkola, District- Surajpur (C.G.) for the offence punishable under Sections 294, 506 B, 323, 307 of IPC.
- 2) Case of the prosecution, in brief, on the day of incident some hot talk took place between the applicant and complainant party over the land dispute, thereafter the applicant abused the victim- Gopal Ram Yadav filthily, gave him threat of life and assaulted him with the help of an axe with intention to cause his death, as a result of which the victim sustained grievous injury on the neck.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant had also lodged counter report

against the complainant party, the victim was discharged from the hospital within five days, charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. The applicant has been arrested on 08.03.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant assaulted the victim with sharp edged weapon axe on his vital part i.e. neck.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, the nature of injury sustained by the victim, the fact that victim was discharged from the hospital within five days without any complication, counter report was also lodged by the applicant, charge-sheet has also been filed, the detention period of the applicant, who is 60 years old and the fact that the 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 due to COVID-19 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. 2,00,000/- with two sureties of Rs. 1,00,000/- 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 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.

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