

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2929 of 2021

- Shambhu Kenwat S/o Late Shankar Kenwat (Late word not mentioned in the order sheet) aged about 32 years, R/o Pipariya, Police Station Pipariya, District Kabirdham (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, Police Station – Pipariya, District - Kabirdham (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Abhishek Sharma, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

05.07.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 15.11.2020 in connection with Crime No. 371/2020 registered in Police Station- Pipariya, District Kabirdham (CG) for the offence punishable under Sections 294, 506 & 307 of IPC (As per final report of prosecution).
3. Allegation against the present applicant is that on the date of incident i.e. on 15.11.2020 when complainant was watching Gaura-Gauri function in front of his house, at that time applicant came there abusing the complainant filthily and assaulted the complainant by means knife on his neck.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He also submits that the applicant is languishing in jail since 15.11.2020, charge-sheet has been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, the fact that the complainant has been discharged from hospital within seven days with no any serious complication, the detention period of the applicant who is 32 years old, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, the applicant has no criminal antecedents as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
8. It is directed that in the event of 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 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/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.
9. 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