

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3350 of 2021

1. Vicky @ Abhishek Rao S/o Mohan Rao, Aged About 25 Years, R/o Ward No. 7, College Road, Dallirajhara, Tehsil Daundi, District Balod (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Rajhara, District Balod (C.G.).

---- Non-Applicant

For Applicant	:	Ms. Prosoon Agrawal, Advocate.
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 31/03/2021 in connection with Crime No. 106/2021 registered at Police Station Rajhara, District Balod (C.G.) for the offence under Sections 294, 323, 506, 452 & 427 of IPC.
- 3) Allegation against the present applicant is that on 26/03/2021 at 14:45 hours he alongwith other co-accused committed house trespass in the house of the prosecutrix with intention to cause her hurt. After entering her house the applicant abused her filthily, threatened her of life, committed Marpeet with her by hands and fists and damaged the household articles. On report being lodged to the above effect, offence has been registered against the accused persons.
- 4) Learned counsel for the applicant submits that applicant is an

innocent person and has been falsely implicated in this case. He submits that the applicant has been arrested on 31/03/2021, charge sheet has been filed and trial is likely to take some time for its disposal due to Covid-19 Pandemic. Therefore, the applicant deserve to be released on bail.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. However, she submits that the applicant has as many as 03 criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the detention period of the applicant who is of 25 years old, charge sheet has been filed, all the offences except the one under Section 452 of IPC are bailable and triable by Magistrate and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and the trial is likely to take some time for disposal due to Covid-19 Pandemic, without commenting anything on merits of the case, the application is **allowed**. 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 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 Govt./State Govt./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**

Chandrakant