

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2826 of 2021

- Prakash Jasuja, S/o Chandra Kumar Jasuja, Aged About 21 Years, R/o E.W.S. 182 Mharana Pratap Nagar Korba, District - Korba (C.G.). **---- Applicant**

Versus

- State of Chhattisgarh Through Police Chouki Rampur, Police Station Kotwali, District - Korba (C.G.) **---- Non-Applicant**

MCRC No. 3003 of 2021

- Rikesh Nambiyar S/o C.S. Rajesh Nambiyar Aged About 21 Years (Full Name Of The Father Of The Applicant Is Not Mentioned Completely, (Wrongly Mentioned As Nabiyar) R/o Boyar Dadar Road Situated At Green City Colony, Raigarh, District Raigarh (Chhattisgarh). **---- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Outpost Rampur, Police Station Kotwali, District - Korba (Chhattisgarh).

---- Non-Applicant

MCRC No. 3117 of 2021

- Aman Sharma, S/o Satyaprakash Sharma, Aged About 19 Years, R/o Lig 240 Maharana Pratap Nagar Korba, Tahsil and District- Korba, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Chouki Rampur, Police Station Kotwali, District- Korba, Chhattisgarh. **---- Non-Applicant**

For Applicants	:	Shri Vikas Kumar Pandey, Shri Anil Gulati, Advocates
For Non-Applicant/State	:	Shri Anand Verma, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16.06.2021

- 1) Since all these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are arrested in connection with Crime No. 165/2021 registered at Outpost Rampur, Police Station- Kotwali, District- Korba (C.G.) for the offence punishable under Sections 307, 120-B r/w 34 of IPC and Section 25 & 27 of Arms Act.
- 3) Case of the prosecution, in brief, is that while the complainant/victim was going on motorcycle, the present applicant Rikesh assaulted on him with knife as a result of which complainant/victim sustained injuries on his chest. The other applicant namely Aman was accompanying Ritesh on motorcycle during assault. It is alleged that all the applicants hatched criminal conspiracy and in furtherance thereof, assault was made on the victim. On report being lodged to the above effect the offence has been registered against the applicants.
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the applicants are young offenders, the applicants have no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, victim/complainant sustained injury 3.5 x1 cm incised wound and was discharged from the hospital in short span of time and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail applications and submits that due to previous

enmity the present applicants attacked on the complainant/victim with knife as a result of which the victim sustained injury on his chest. State counsel however submits that the applicants have no criminal antecedents.

- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of injury, victim was discharged from the hospital within a short span of time, the detention period of the applicants, who are 19 and 21 years old, they are the first offenders, the fact that charge-sheet has already been filed and the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 pandemic conclusion of trial may take some time, therefore, without commenting anything on the merits of the case, the applications are allowed.
- 7) It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-
 - (a) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - (d) they shall not involve themselves in any offence of similar nature in future.
 - (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Let a copy of this order be forwarded to the concerned

police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim