

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3107 of 2021**

- Ashish Alias Harish Sonteki, S/o Late Naresh Sonteki, aged about 26 Years, R/o Ward No. 8, Azad Chauk, Motipur, Rajnandgaon, Tehsil and District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Out Post Chikhali, Police Station City Kotwali, District – Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Shaleen Singh Baghel, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26/07/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.643/2020 registered at Police Outpost Chikhali, Police Station City Kotwali, District Rajnandgaon, C.G. for the offence punishable under Section 307 of Indian Penal Code.
3. As per the prosecution case, on 18.12.2020, applicant over a trivial issue with complainant, committed *marpeet* with him and also assaulted upon him by knife, as a result of which complainant sustained injuries on his body. On report to the above effect being lodged by the complainant, offence under the

aforesaid section was registered against the applicant.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant is languishing in jail since 18.12.2020, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, the nature of injury allegedly caused by the applicant, the injured was discharged from hospital after three days only, the detention period of the applicant, who is 26 years old, charge sheet has been filed, the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, 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 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

Akhilesh