

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3442 of 2021**

- Shashi Ghritlahare, S/o Panchram Ghritlahare, aged about 20 Years, Resident of Village Majitha, Police Station Kharora, District Raipur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Kharora, District Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Rekhraj Baghel, Advocate.
For State	Shri Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****20/07/2021**

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.43/2021 registered at Police Station Kharora, District Raipur, C.G. for the offence punishable under Sections 450, 323, 427, 307 read with 34 of Indian Penal Code.
3. As per the prosecution case, there was land dispute between the complainant and the present applicant. On 28.01.2021, applicant made boundary on the said disputed land and complainant told him to remove the said boundary but applicant did not remove the boundary. On 29.01.2021, the said boundary was removed by

the complainant party and thereafter on 30.01.2021, applicant along with other co-accused persons and one juvenile with common intention assaulted complainant's brother Heera Das and Lakeshwar, abusing them filthily with club, bamboo stick and Axe and also threatened them of life. While the complainant was making video of the said incident, the applicant along with other co-accused persons assaulted him also and broke his mobile.

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 30.01.2021, 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. However, he submits that the applicant has no criminal antecedents.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant, who is 20 years old, the fact that over land dispute, the incident took place between the applicant and the complainant party and that the injured persons have been discharged from the hospital, charge sheet has been filed, 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