

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3291 of 2021**

- Gulfu Sinha, S/o Manakhan Sinha, aged about 65 Years, Resident of Village Sendar, Police Station Fingeshwar, District-Gariyaband, Chhattisgarh.

---Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station Fingeshwar, District-Gariyaband, Chhattisgarh.

----Non-applicant

For Applicant	Shri Krishna Kumar Dewangan, Advocate.
For State	Shri Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

23/07/2021

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.64/2021 registered at Police Station Fingeshwar, District Gariyaband, C.G. for the offence punishable under Sections 186, 294, 323, 332 & 353 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 20.03.2021 at about 4:00 pm, complainant along with his colleagues Bhagwat Sahu and Krishnadas Manikpuri were patrolling in forest area. At that time, applicant came there, abused the complainant filthily, assaulted upon him and also deterred him from discharge of

public duties.

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 has one criminal antecedent under Section 302 of IPC and he has been acquitted of the said offence by the trial Court. Applicant is in jail since 22.03.2021, due to COVID 19-pandemic, conclusion of 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. However, he does not dispute that the applicant has been acquitted of the offence under Section 302 of Indian Penal Code and that applicant has no criminal antecedents.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, further considering the detention period of the applicant, who is 65 years old, 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 conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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