

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3358 of 2021**

- Sohan Sahu, S/o Rajendra Sahu, aged about 22 Years, Resident of Ward No. 58, Near Mannu Kirana Stores Nahar Par Urla Durg, District - Durg (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through District Magistrate, District- Durg (Chhattisgarh).

----Non-applicant

For Applicant	Shri Avinash Chand Sahu, Advocate.
For State	Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

19/07/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.389/2020 registered at Police Station Mohan Nagar, District Durg, C.G. for the offence punishable under Sections 147, 294, 323, 427, 452 read with 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 17.11.2020 complainant Suresh Kumar Mate lodged a report alleging in it that some unknown boys were creating nuisance in front of his home and when he tried to stop them, they started beating him, caused mischief in his house, assaulted upon him by hands and

fists, tried to stab him with a knife and damaged his household articles.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He also submits that there is no motive/intention of the applicant to commit the above mentioned crime. He is in custody since 07.02.2021 and due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, he may 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 and perused the case diary.
7. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, charge sheet has already been filed, detention period of the applicant, who is 22 years old, the fact that the applicant has no criminal antecedent 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, 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 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