

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2707 of 2021

- Abhishek Bichiya, S/o Late Shri Dinesh Bichiya, Aged About 19 Years, R/o - Bhoi Para, Jhulelal Mandir Gali, P.S.- Azad Chowk, Raipur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through P.S.- Azad Chowk, District- Raipur, Chhattisgarh. **---- Non-Applicant**

MCRC No. 3344 of 2021

- Rahul Khandekar, S/o Shri Ramesh Khandekar, Aged About 23 Years, R/o Jai Kali Chowk, Bhoipara, Raipur, Police Station- Azad Chowk, Raipur, Chhattisgarh. **---- Applicant**

Versus

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

---- Non-Applicant

For Applicants	: Shri Lukesh Kumar Mishra and Shri A.D. Kuldeep, Advocates
For Non-Applicant/State	: Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16.07.2021

- 1) Since both 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 Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 21.01.2021 in connection with Crime No.10/2021 registered at Police Station- Azad Chowk, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 307, 294, 324, 506, 34 of IPC and Section 25 and 27 of Arms Act.

- 3) Case of the prosecution, in brief, is that the applicants abused the father of the complainant filthily, assaulted him with sharpe edged object and also threatened of life.
- 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 submit that the applicants are first offenders, they charge-sheet has already been filed, they have no criminal antecedents, the father of the complainant was discharged from the hospital on same day of the incident, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 21.01.2021 and 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 State opposes the bail applications, however, he 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, allegations made against the present applicants, nature of injury sustained by the father of the complainant, only single knife blow was made upon the victim and he was discharged from the hospital within short span of time, the detention period of the applicants, who are 19 & 23 years old, charge-sheet has already been filed and the fact that 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 conclusion of trial may take some time, 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