

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3518 of 2021

- Kunal Kanhaiya Son of late Jugal Kishore, aged about 33 years, R/o. Harijan Para, Siddharth Nagar, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Lalbag, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Anil Gulati, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

05.08.2021

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 21.10.2020 in connection with Crime No. 408/2020 registered in Police Station- Lalbag, District Rajnandgaon (CG) for the offence punishable under Section 307/34 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn with the liberty to file a fresh application as and when occasion arises vide order dated 16.03.2021 passed in M.Cr.C. No. 120/2021 by this Court.
3. As per prosecution case, on 20.10.2020 at about 17:00 hours while applicant was assaulting the complainant by means of knife with intention to kill him, co-accused Niken Mahanand had caught hold of complainant from back side. Due to assault made by the applicant, complainant sustained injuries on his stomach, back side and right hand.
4. Learned counsel for the applicant submits that the applicant has been falsely

implicated in this crime and there was no intention to commit murder of the complainant. He also submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 21.10.2020 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has five criminal antecedents.
6. Complainant is present in person before Help Desk of this Court and he is identified/verified by his counsel Shri HAPS Bhatiya, through his Aadhar Card. The complainant stated that he has no objection to grant of bail to the applicant by this Court.
7. Considering the facts and circumstances of the case, looking to the nature of injury, deposition of complainant filed as Annexure-A/3 in present bail application in which there is nothing against the present applicant, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
8. 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 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/her 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.
9. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti