

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3564 of 2021

- Raj Kishore Kaser, S/o Late Dinesh Kaser, Aged About 32 Years, R/o Ward No. 2, Simga P.S. Simga, District Balodabazar Bhattapara, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, P.S. Simga, District Balodabazar Bhattapara, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Akhtar Hussain, Advocate
For Non-Applicant/State : Shri Chitendra Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 03.04.2021 in connection with Crime No.468/2020, registered at Police Station- Simga, District- Balodabazar Bhattapara (C.G.) for the offence punishable under Section 186, 294, 506, 353, 332, 333 of IPC.
- 2) Case of the prosecution, in brief, is that on 28.12.2020, the police party received secret information regarding illegal transportation of liquor by the present applicant, the police party reached to the spot and try to stop the applicant and the applicant abused the complainant filthily, gave threat to dire consequences, thereafter the applicant hit the head of the complainant by liquor bottle and caused head injuries to the complainant. Thereby the applicant caused hindrance in the discharge of official duties by the complainant/victim.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant is young offender, the complainant was not admitted to the hospital which shows that nature of injury of the complainant was simple, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 03.04.2021 and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has as many as seven criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, nature of injuries sustained by the present applicant, the complainant was not admitted in hospital, the detention period of the applicant who is 32 years old and the fact that charge-sheet has already been filed, 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 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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

Nadim