

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3569 of 2021

- Ajay Neti, S/o Ganesh Neti, Aged About 40 Years, R/o Village Bitkuli, Police Chowki Belgahna, P.S. Kota. District Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Chowki Belgahna, Police Station Kota, District Bilaspur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri R. V. Ram Rajwade, Advocate
For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

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 30.01.2021 in connection with Crime No. 74/2021 registered at Police Station- Kota, District- Bilaspur (C.G.) for the offence punishable under Section 294, 307 of IPC and Section 25, 27 of Arms Act.
- 2) Case of the prosecution, in brief, is that the present applicant eloped the daughter of the complainant from her matrimonial house. The applicant used to beat the daughter of the complainant because of this reason, she left the house of the applicant and went to her parental house. On 29.01.2021 at night about 10.00 O'clock, the applicant in a public place, abused the complainant filthily for not sending her daughter back and with intention to kill the complainant, the applicant assaulted her with *gandasa* weapon on her head, shoulder and left hand. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicant.

- 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 first offender, he has no criminal antecedents, charge-sheet has been filed, the victim/complainant has no objection to release of the applicant, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, as far as injuries of the complainant is concerned, she was not required to be admitted in hospital, the applicant has been arrested on 30.01.2021 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 no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation made against the applicant, nature of injuries sustained by the complainant, the fact that she was not admitted in hospital, charge-sheet has already been filed, the complainant has no objection to release of the applicant on bail, the detention period of the applicant, who is 40 years old and the fact that the applicant has no criminal antecedents, 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