

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3627 of 2021

- Balbhadra Singh @ Ballu Thakur, S/o Shri Bhairav Singh Thakur, Aged About 26 Years, R/o Mahatmagandhi Nagar, Amlidih, Raipur, P.S. New Rajendra Nagar, Raipur, Tahsil and District- Raipur, Chhattisgarh. **---- Applicant**

Versus

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

For Applicant : Shri Mayank Chandrakar, Advocate
For Non-Applicant/State : Shri C.B. Kesharwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

23.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 02.03.2021 in connection with Crime No. 28/2021 registered at Police Station Telibandha, Raipur, District- Raipur (C.G.) for the offence punishable under Section 294, 506-B, 323, 326 r/w 34 of IPC.
- 2) The case of the prosecution, in brief, is that the present applicant alongwith other co-accused persons went in a marriage ceremony for providing catering service and fall in dispute with the complainant/victim. The present applicant alongwith other co-accused persons abused the complainant/victim filthily, gave him threat to life and assaulted him with a knife, as a result which the complainant sustained stabbed injury.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the co-accused person has assaulted the

complainant/victim with a knife not by the present applicant, the present applicant is young offender, he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed, the applicant has been arrested on 02.03.2021 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-Applicant/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, the nature of allegation made against the present applicant, the fact that assault with a knife was not made by the present applicant, it was made by the co-accused person, the detention period of the applicant, who is 26 years old, charge-sheet has already been filed, 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.50,000/- with two sureties of Rs. 25,000/- 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