

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3725 of 2021**

- Surendra Singh @ Chhotu, S/o Shri Jwala Prasad Singh, aged about 25 Years, Caste - Gond, Profession - Labor, R/o Village Kanjia, P.S. Janakpur, Tehsil Bharatpur, District Koriya, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through the Incharge, Police Station Janakpur, District Koriya, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Anuroop Panda, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

23/06/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.58/2021 registered at Police Station Janakpur, District Koriya, C.G. for the offence punishable under Sections 147, 148, 186, 188, 269, 270, 294, 323, 342, 353, 506 & 34 of Indian Penal Code and Sections 51 & 60 of the Disaster Management Act, 2005.
3. Case of the prosecution, in brief, is that on 22.05.2021, complainant- Ashok Kumar Singh, Naib Tehsildar, Bharatpur, District Koriya along with the police force had gone to village

Kangiya for closing the paddy thrashing mill on account of the said area being declared as containment zone due to COVID-19 pandemic. The complainant along with the police party also went to village Ghatai to see that no marriage function is held without due permission. After the said proceedings, when the complainant along with the police party was returning, at around 10:15 pm, the applicant with other co-accused persons obstructed them, abused the complainant filthily and assaulted him with club. The accused persons also assaulted the driver of the complainant and the police employees.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 23.05.2021 and due to COVID 19-pandemic, conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation leveled against the applicant, the detention period of the applicant, who is 25 years old, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without

expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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 the 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

Akhilesh