

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

M.Cr.C. No. 4895 of 2021

- Mannu Dewar Son of Jeevan Dewar, aged about 27 years, R/o. Machhali Market, Khursipar, Bhilai, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The District Magistrate Durg, District Durg (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Rudranath Mukherjee, Advocate
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer

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

29.07.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 20.02.2021 in connection with Crime No. 76/2021 registered in Police Station- Khursipar, District Durg (CG) for the offence punishable under Sections 307, 294 & 323 of IPC.
2. Prosecution case in brief is that on the date of incident i.e. 19.02.2021 at about 09:30 pm, the applicant started quarrel with one Gabbar stating that why he has lodged a report against him. Thereafter, the applicant assaulted Gabbar with a knife, due to which Gabbar received injuries on his thigh and back. The applicant also assaulted one Niket who tried to interfere between the applicant and Gabbar.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He also submits that the applicant is languishing in jail since 20.02.2021, charge-sheet has been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the fact that injured Gabbar only one day admitted in hospital and has been discharged from hospital with no any serious complication, injured Niket only sustained one injury, the detention period of the applicant who is 27 years old, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the bail application is allowed.
7. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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/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.
8. 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