

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4704 of 2021

- Vishal Dewar, S/o Bhukhan Chandel, Aged About 29 Years, R/o Dewarpara, Subhash Nagar, Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Non-Applicant

For Applicant : Shri N. Naha Roy, Advocate

For Non-Applicant/State : Shri Rahim Ubawani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 17.05.2021 in connection with Crime No.169/2021 registered at Police Station- Telibandha, District- Raipur (C.G.) for the offence punishable under Section- 294, 506 B, 323 & 394/34 of IPC.
- 2) Case of the prosecution, in brief, is that the present applicant alongwith other co-accused persons, in suspicion of theft of pig, abused the victim- Pritam filthily, threatened him of life and assaulted the victim with hands, fists, iron rod & club as a result of which the victim sustained injuries and also the accused persons have looted one mobile phone and cash of Rs. 20,000/- from the victim.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further

submits that co-accused person namely Golu Kulhariya has already been granted regular bail by co-ordinate Bench of this Court vide order dated 22.07.2021 in MCRC No. 3713/2021, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 17.05.2021 and 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.
- 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 nature of injuries sustained by the victim, charge-sheet has already been filed, co-accused has already been granted regular bail by the co-ordinate Bench of this Court, the detention period of the applicant, who is 29 years old and there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and 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