

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4824 of 2021

- Vishal Ram, S/o Ramdhani Ram, Aged About 26 Years, R/o Chitvishrampur, Police Station- Balrampur, District- Balrampur- Ramanujganj, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Police Station- P.S.- Balrampur, District- Balrampur, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri A. N. Pandey, Advocate
For Non-Applicant/State	: Shri Adil Minhaj, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 27.02.2021 in connection with Crime No. 46/2021 registered at Police Station- Balrampur, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 294, 307, 450 of IPC.
- 2) Case of the prosecution, in brief, is that on 26.02.2021 the complainant Bidhesh Korva lodged report at police station Balrampur to the effect that the applicant who is nephew of the complainant, came to the house of the complainant for visit, the applicant had lunch with the complainant and after lunch the applicant went towards village side. After sometime, the applicant returned to the house of the complainant in an intoxicated condition, where mother of the complainant sought at him over not eating food, thereafter, the complainant abused her filthily and assaulted with an iron made sharp edge weapon (*tangi*) on her

vital part head as a result of which she sustained injuries on her head.

- 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 has no criminal antecedents, injury sustained by the victim was simple, she was discharged from the hospital within few days of her admission, the victim consumed liquor on the day of incident as a result of which she fell on the stone and got injured, charge-sheet has already been filed, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant has been arrested on 27.02.2021 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 abused the victim filthily and caused her serious head injuries by sharpe edge weapon (*tangi*).
- 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, the nature of injuries sustained by the victim, the fact that victim was hospitalized on 26th February, 2021 and discharged on 4th of March, 2021 without any complication, charge-sheet has already been filed, the detention period of the applicant, who is 26 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