

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4764 of 2021

- Aghan Singh Mandavi, S/o Shri Manesh Mandavi, Aged About 45 Years, By Caste - Gond, R/o. Village - Khadka, Police Station And Tahsil - Bhanupratappur, District - North Baster Kanker, Chhattisgarh. **---- Applicant**

Versus

- The State of Chhattisgarh, Through- The Station House Officer, Police Station - Bhanupratappur, District - North Baster Kanker, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Sunil Sahu, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

03.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 26.06.2021 in connection with Crime No. 92/2021, registered at Police Station- Bhanupratappur, District- North Bastar Kanker (C.G.) for the offence punishable under Sections 307 of IPC & Sections 25, 27 of Arms Act.
- 2) Case of the prosecution, in brief, is that on 28.03.2021 in the night, the complainant alongwith Shiris Jurri, Manaklal and the present applicant went for hunting in the Khadka forest. When the complainant was searching for wild dog the applicant with intention to kill the complainant shot from his pallet gun at the complainant which hits his both legs and thigh.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He further submits that the complaint has raised no objection to release of the applicant and to that effect one affidavit has been filed by him before the trial Court. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 26.06.2021, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for 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 nature of injuries sustained by the complainant, the detention period of the applicant, who is 45 years old and the fact that the complainant had filed an affidavit before the trial Court regarding his no objection for releasing of the applicant on bail, both are member of Scheduled Caste, charge-sheet has already been filed, 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 counsel 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