

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4869 of 2021

1. Som Jagat S/o Rajkumar Jagat, Aged About 22 Years, R/o Ward No. 04, Gariyaband, Police Station Gariyaband, District Gariyaband (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Gariyaband, District Gariyaband (C.G.).

---- Non-Applicant

For Applicant : Mr. Mohammad Afroz Athar, Advocate.

For Non-Applicant/State : Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

23/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 18/11/2020 in connection with Crime No. 246/2020 registered at Police Station Gariyaband, District Gariyaband (C.G.) for the offence punishable under Sections 294, 324, 326, 452 & 506 of Indian Penal Code.
- 3) Allegation against the present applicant is that on 18/11/2020 at 09:25 AM he entered the house of the complainant Shankar Bhaisal, abused him, threatened him of life and assaulted with Blade on his face, left cheek and right hand. On report being lodged to the above effect, offence has been registered against the applicant.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that

charge sheet has been filed, the applicant is in jail since 18/11/2020. He submits that complainant Shankar Bahisal has filed a notarized affidavit dated 07/08/2021 in which complainant has no objection to release of the applicant on bail. He further submits that there is no apprehension of the applicant tampering with the evidence or absconding, there is no progress in trial till now due to COVID-19 Pandemic and is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has **09** criminal antecedents, out of which **03** cases relate to preventive action.
- 6) Shankar Bahisal, complainant is present through video conferencing with the aid of District Legal Services Authority, Gariyaband and he has no objection to release of the applicant on bail. He also confirms the fact that an affidavit to this effect has been filed by him.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 22 years old, there is no progress in the trial till date and due to COVID-19 Pandemic conclusion of trial is seems to take some time, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the applicant has no criminal antecedents, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, further that the complainant has filed an affidavit in which he stated that he has no objection to grant of bail to the applicant, the application is **allowed**. It is directed that in the event of the 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 from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- 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 Govt./State Govt./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**

Chandrakant