

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5141 of 2021

1. Ajay Kumar Gurjer S/o Laxman Gurjer, Aged About 23 Years, R/o Village Gudru, P.S. Raghunathpur, District Balrampur-Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Raghunathnagar, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant : Mr. Arun Kumar Shukla, Advocate.
For Non-Applicant/State : Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

04/08/2021

- 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 16/06/2021 in connection with Crime No. 79/2021 registered at Police Station Raghunathnagar, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 394, 427/34 of Indian Penal Code.
- 3) Allegation against the present applicant is that he alongwith other co-accused on 14/06/2021 looted Rs. 2,600/- and 2 Mobile phones from the complainant after assaulting him while he was going to see girl for marriage. On report being lodged to the above effect, the aforesaid 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

in fact it is the complainant party who assaulted the applicant and other accused persons as a result of which the applicant sustained grievous injuries on his head and the matter was reported against the complainant party at Police Chowki Balangi. He further submits that applicant is in jail since 16/06/2021 and trial 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, he submits that applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation against the applicant, the fact that a counter report is also said to have been lodged by the accused applicant against the complainant party for assaulting, in the said incident the applicant also sustained injuries, the detention period of the applicant who is 23 years old, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the Counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. 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 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