

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5085 of 2021

- Omprakash @ Lucky Sahu, S/o Late Murari Sahu, aged about 20 years, R/o Village of Nagoi, P.S. Sarkanda, Tahsil and District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through : S.H.O., P.S. Sarkanda, District Bilaspur, Chhattisgarh

---- State/Non-Applicant

For Applicant	:	Shri Vivek Sharma, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

23.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 22.06.2021 in connection with Crime No. 214/2021 registered in Police Station- Sarkanda, District Bilaspur (CG), for the offence punishable under Sections 294, 506, 307, 34 of IPC.
2. Allegation against the present applicant is that he alongwith other co-accused persons abused complainant namely Chhannu Ram Kenwat filthily, threatened to kill him and assaulted him by sharp edged weapon as a result of which complainant sustained injuries on his head and other parts of his body.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 22.06.2021 and due to Covid-19 pandemic, 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 and submits that the applicant has one criminal antecedents under the IPC.

5. Having regard to the facts and circumstances of the case, the fact that complainant Chhannu Ram Kenwat sustained single injury on his head, he was admitted in hospital for three days and has been discharged from hospital with no any serious complication and no fracture was found on his body, the detention period of the applicant who is 20 years old and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the bail application is allowed.
6. It is directed that in the event of 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 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/her 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.
7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge