

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5192 of 2021

- Mahesh Vishwakarma S/o Shri Shankarlal Vishwakarma aged about 42 years, Occupation- Carpenter (Badhai), R/o 62 Ratan Colony Karond Bhopal (M.P.) Present Address – Darripara Ambikapur Chowki- Manipur, P.S.- Kotwali Ambikapur, District - Surguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through – The Chowki In-charge Manipur, P.S. - Kotwali Ambikapur, District Surguja (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri A.N. Pandey, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

09.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 19.06.2021 in connection with Crime No. 539/2021 registered in Police Station- Police Chowki- Manipur, P.S.- Ambikapur, District Surguja (CG), for the offence punishable under Section 307 of IPC.
2. Allegation against the present applicant is that he assaulted complainant Mukesh Agrawal by means of cutter machine as a result of which the complainant sustained injury on his head.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that no any grievous injury was found over the body of the complainant and injury sustained by him is simple in nature. He also submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 19.06.2021, charge-sheet has already been filed 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 no criminal antecedents.
5. Heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the fact that complainant Mukesh Agrawal sustained only single injury, admitted in hospital and has been discharged from hospital on the same day with no any serious complication, the detention period of the applicant who is 42 years old, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and 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 counsels, without expressing any opinion on merits of the case, the bail application is allowed.
7. It is directed that in the event of 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/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.
8. 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