

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

M.Cr.C. No. 5153 of 2021

- Rajendra Singh @ Ranu S/o Late Shiv Singh, aged about 37 years, R/o Kishan Para, Chantidih, Police Station Sarkanda, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station City Kotwali, Bilaspur, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Ashish Shukla, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

04.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 08.07.2021 in connection with Crime No. 131/2021 registered in Police Station- City Kotwali Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 294, 506-II & 307 of IPC.
2. Prosecution case in brief is that complainant Aditya Soni lodged a report alleging that on 29.05.2021 at about 10:30 pm, when he was at his home with his family, at that time the present applicant came in front of his house and by using filthy language against him, committed *marpit* with him. It is also alleged that when Goverdhan Soni and Vasu Soni tried to intervene in the matter, the applicant assaulted them by the sharp edged weapon. The complainant sustained injury on his stomach, Goverdhan Soni sustained injury on his back and Vasu Soni sustained injury on his thigh, and the blood was oozing from their bodies.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He also submits that the applicant is languishing in

jail since 08.07.2021 and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail. He also submits that there is also counter F.I.R. lodged by applicant against the complainant party which was also registered in the same Police Station under Crime No. 134/2021 in which injured Vasu Soni has been enlarged on regular by the trial Court. The certified copy of the bail order of injured Vasu Soni and the certified copies of affidavits, filed before the trial Court by injured Vasu Soni, Goverdhan Soni & Aditya Soni, have been filed in the present bail application with covering memo on 03.08.2021. In the said affidavits Vasu Soni, Goverdhan Soni & Aditya Soni stated that they have has no objection to grant of bail to the applicant by the trial Court.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the fact that the injured Aditya Soni, Goverdhan Soni & Vasu Soni sustained injuries on their bodies which were simple in nature and they have filed affidavits before the trial Court in which they stated that they have no objection to grant of bail to the applicant by the trial Court, that the counter F.I.R. lodged by applicant against the complainant party in which accused Vasu Soni (injured in present bail application) has already been granted regular bail by the trial Court, further considering the detention period of the applicant who is 37 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the 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 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/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