

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5306 of 2021

1. Bhuwan Pasi, S/o Mansingh Pasi, Aged About 22 Years, which is not mentioned in the order of the learned Court Below, R/o Mana Basti, Nai Mohalla, Police Station Mana Camp, Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Mana Camp, District Raipur (C.G.).

---- Non-Applicant

For Applicant : Mr. C.R. Sahu, Advocate.

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

11/08/2021

- 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 15/11/2020 in connection with Crime No. 162/2020 registered at Police Station Mana Camp, District Raipur (C.G.) for the offence punishable under Section 294, 506 Part-II, 307/34 of Indian Penal Code and Section 4 read with Section 25(1-ख)(ख), Section 5(1)(क) read with Section 27(1) of Arms Act.
- 3) As per the prosecution case, complainant Nand Kishore informed the Police of Police Station Mana Camp, District Raipur that on 15/10/2020 some dispute arose between complainant's brother Subhash Bais (victim), present applicant and co-accused Chetan Pasi regarding gambling. Thereafter, accused persons threatened the victim of life and assaulted upon him by sword, as a result of which victim sustained stab injuries on his back side. On report being lodged to the above effect, the aforesaid offence have been registered against the present applicant and co-accused.
- 4) Learned counsel for the applicant submits that the applicant has been

falsely implicated in the crime in question. He further submits that the applicant has been arrested on 15/11/2020. He submits that charge sheet has been filed, the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding 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, she submits that the applicant has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of dispute giving rise to the incident, only two injuries were found on the back of the victim, the injured was discharged from hospital without any complication, the detention period of the applicant who is 22 years old, charge sheet has already been filed, the applicant has no criminal antecedents, the fact that 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