

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5340 of 2021

- Tribhuwan Dhurve S/o Sagun Dhurve, aged about 26 years, Caste Gond, R/o Village Dauchoura, Khairagarh, Police Station and Tahsil Khairagarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station Khairagarh, District Rajanandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri T.K. Jha, 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 26.03.2021 in connection with Crime No. 139/2021 registered in Police Station- Khairagarh, District Rajnandgaon (CG), for the offence punishable under Sections 25 & 27 of Arms Act.
2. Allegation against the present applicant is that on 26.03.2021, the applicant was in drunken condition and threatening the people by waving knife in public place at Tempo Chowk Dauchoura Khairagarh.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He 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 26.03.2021 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.
5. On the last date of hearing i.e. on 11.08.2021, learned counsel for the State submitted that there are number of criminal antecedents of the applicant. However, today after verifying the criminal antecedents of the applicant, both

counsel for the State and counsel for the applicant submitted that the applicant has no criminal antecedents.

6. Heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, considering the nature of allegation made against the present applicant, the detention period of the applicant who is 26 years old, 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.
8. 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.
9. 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