

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5519 of 2021

- Manish Singh, S/o Late Ramendra Singh, Aged About 40 Years, R/o Ward No. 04, Raj Family, Khairagarh, District Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- District Magistrate, District- Rajnandgaon, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Abhishek Pandey, Advocate

For Non-Applicant/State : Shri C.B. Kesharwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

18.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail in connection with Crime No.226/2021 registered at Police Station- Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 294, 323, 506 of IPC and Sections 25 & 27 of Arms Act.
- 2) Allegation against the present applicant is that he in intoxicated condition, armed with sword, entered the temple started vandalising without any reason, when the complainant intervened, the applicant abused him filthily, gave him threat of life and kicked him as a result of he suffered injuries over left side of cheek and below lower eyelid.
- 3) 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 no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the

applicant tampering with the prosecution evidence or absconding, the applicant has been arrested on 01.07.2021 and due to COVID-19 trial is likely to take some time for 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) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, as per MLC the complainant sustained only pain and swelling over cheek and below lower eyelid which are simple in nature, charge-sheet has already been filed, the detention period of the applicant, who is 40 years old the fact that the applicant has no criminal antecedents, 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 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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.

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

Nadim