

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
(Proceeding through Video Conferencing)

M.Cr.C. No. 5616 of 2021

- Macchi Tandi Alias Shivam Tandi Aged About 25 Years S/o Babulal Tandi R/o Dr. Rajendra Nagar Near Ravan Putla Civil Lines Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Civil Lines, District Raipur, Chhattisgarh (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Sakib Ahmed, Advocate
For Non-Applicant/State	:	Shri C.B. Kesharwani, Panel Lawyer
For Complainant/Objector	:	Shri Aditya Pandey, Advocate

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

19.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.06.2021 in connection with Crime No. 221/2021 registered in Police Station- Civil Lines, District Raipur, Chhattisgarh for the offence punishable under Section 294, 323, 506, 34 of IPC as per F.I.R, however, after Investigation, Section 327, 365, 34 of IPC has been added.
2. As per prosecution case, on 22.05.2021 at about 10:30 pm the present applicant and another co-accused came to the house of complainant Naresh Nihal and took him to Punjabi Colony Kotora Talab. Thereafter, they asked the complainant to bring his cell phone. When the complainant said that he does not have a cell phone, then on his refusal, the applicant and co-accused started abusing the complainant by using filthy language, and started assaulting with the complainant by stick, hands and fists.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He further submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 04.06.2021 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 State opposes the bail application and submits that the applicant has number of criminal antecedents.
5. Learned counsel for the complainant submits that the affidavit the complainant has been filed in the present bail application with covering memo dated 18.08.2021. In the said affidavit, the complainant has no objection to grant of bail to the applicant by this Court, stated both he and the complainant are cousin brother and now relations between them are cordial.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, considering the age of the applicant who is 25 years old, he is in jail since 04.06.2021, that as per affidavit of the complainant, he has no objection to grant of bail to the applicant by this Court as both are cousin brother and relations between them are cordial, 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.
8. It is directed that in the event of 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/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

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