

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5319 of 2021

1. Somaru Lakda S/o Jagtu Ram Lakda, Aged About 64 Years, By Caste Urav, R/o Village Maroda, Thana Bande, Tahsil Pakhanjore, District Uttar Bastar Kanker (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station Bande, District U.B. Kanker (C.G.).

---- Non-Applicant

For Applicant : Mr. Parag Kotecha, Advocate.

For Non-Applicant/State : Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice 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 17/01/2021 in connection with Crime No. 6/2021 registered at Police Station Bande, District U.B. Kanker (C.G.) for the offence punishable under Section 307 of Indian Penal Code.
- 3) As per prosecution case, on 17/01/2021 at about 08:00 -08:30 AM, applicant assaulted the victim Dhansai Dugga with intention to kill him on his neck and shoulder with a knife. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicant.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that applicant is in jail since 17/01/2021 and charge sheet has already been filed. He further submits that 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, he submits that the applicant has no criminal antecedents.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, the nature of injury allegedly caused by the applicant, the injured was discharged from Hospital after 4-7 days, the detention period of the applicant who is 64 years old, the applicant has no criminal antecedents and 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