

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5653 of 2021**

- Raghunath Kunjam, S/o Govind Kunjam, aged about 48 Years, R/o Bajrangpur Thana Churiya, Tahsil Chhuriya, Distt. Rajnandgaon (Chhattisgarh).

----Applicant**Versus**

- The State of Chhattisgarh, Through Police Station Chhuriya, Distt. Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant	Shri Parag Kotecha, Advocate.
For State	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

14/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.112/2021 registered at Police Station Chhuriya, District Rajnandgaon, C.G. for the offence punishable under Sections 294, 506 & 307 of Indian Penal Code.
2. As per the prosecution case, on 07.05.2021 at about 7:00 pm, applicant over a trivial issue with complainant, abused him filthily, assaulted upon him by axe and also threatened him of life. On report to the above effect being lodged by the complainant, offence under the aforesaid sections were registered against the applicant.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that

no assault was made by the present applicant. Applicant is languishing in jail since 07.05.2021, charge sheet has already been filed and due to COVID-19 pandemic conclusion of trial is likely to take some time. Therefore, applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. Heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, further considering the fact that as per MLC report, simple injury was found on the body of the victim and no other complication was found by the doctors, that compromise has already taken place between the parties vide affidavit dated 30th June, 2021 filed herewith and no objection raised by the complainant to release the applicant on bail, the detention period of the applicant, who is 48 years old, charge sheet has been filed, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the application is allowed. 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 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, 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

Akhilesh