

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5708 of 2021**

- Chiranjeet Mandal, S/o Vishnu Mandal, aged about 22 Years, R/o Bangalapara Ward Narayanpur, P.S. and District Narayanpur (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through the Police Station Narayanpur, District Narayanpur (Chhattisgarh).

----Non-applicant

For Applicant	Mr. Pravin Kumar Tulsyan, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

13/09/2021

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.33/2021 registered at Police Station- Narayanpur, District Narayanpur, C.G. for the offence punishable under Sections 294, 323, 324 & 326 of Indian Penal Code.
2. Allegation against the present applicant is that on 12.03.2021 he abused the complainant Dinesh Jaiswal filthily and also bit his right index finger resulting in fracture of distal phalynx of right index finger. 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 offence was committed by the present applicant. The applicant is in jail since 13.03.2021, charge sheet has already been filed and due to COVID-19 pandemic conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has three criminal antecedents bearing Crime No.01/2017 for the offence under Section 376 of Indian Penal Code and Section 6 of the POCSO Act, Crime No.138/2019 for the offence under Section 341, 354, 354-A(1), 354(B) & 354 (D) of Indian Penal Code and Section 8 of the POCSO Act and Crime No. 140/2020 for the offence under Sections 147, 323, 506, 341, 452 & 294 of Indian Penal Code.

At this stage, learned counsel for the applicant submits that the applicant has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 04.06.2020 passed in MCRC No.2466 of 2020 in relation to Crime No.138/2019 and has been acquitted by the trial Court in relation to offence under Crime No.01/2017 vide order dated 31.10.2018 passed in Criminal Case No.05/2017. Copy of the aforesaid orders has been filed along with the covering memo.

5. Heard learned counsel for the parties.

6. Considering the facts and circumstances of the case, the nature of allegation made against the applicant, further considering the fact that only one injury was allegedly caused by the applicant to the complainant on his right index finger, the detention period of the applicant, who is 22 years old, charge sheet has already been filed, the fact that though the applicant has three criminal antecedents but in one of them i.e. Crime No.01/2017 he has been acquitted by the trial Court and in another i.e. Crime No.138/2019 he has been granted regular bail by the Co-ordinate Bench of this Court 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, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. 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 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh