

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5673 of 2021

- Kheman Vishwakarma S/o Shri Suresh Vishwakarma, aged about 23 years R/o Birgaon, Post Sarora, Raipur Tehsil and District Raipur (C.G.) mob.No. 9329969793

---- Applicant

Versus

- State of Chhattisgarh Through : S.H.O. P.S. Urla, District Raipur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Non-Applicant/State	:	Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

24.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 04.01.2021 in connection with Crime No. 398/2020 registered in Police Station- Urla, District Raipur (CG) for the offence punishable under Sections 294, 323, 327, 506B, 34 of IPC.
2. Allegation against the present applicant is that on 12.11.2020 the applicant and other co-accused persons assaulted the complainant and caused him grievous hurt with the help of hands, fists and bricks due to which complainant sustained injuries.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 04.01.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the present applicant has 04 criminal antecedents under the section of IPC.
5. Having heard learned counsel for the parties, having regard to the facts and

circumstances of the case, looking to the nature allegation made against the applicant and it is true that he has 04 criminal antecedents, but looking the detention period of the applicant who is 23 years old, charge-sheet has already been filed, there is no progress in trial, due to covid-19 pandemic, conclusion of trial may take some time, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, without commenting anything on merits of the case, the application is allowed.

6. 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.

7. 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