

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5849 of 2021

1. Kailash Mahant S/o Radhe Das Mahant, Aged About 34 Years, R/o Anjoripali, Atal Awas, Belbhata Chowki, Police Station Kharsia, District Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Bhupdevpur, District Raigarh (C.G.).

---- Non-Applicant

For Applicant	: Mr. Wasim Miyan Advocate.
For Non-Applicant/State	: Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

02/09/2021

- 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 14/02/2021 in connection with Crime No. 187/2020 registered at Police Station Bhupdevpur, District Raigarh (C.G.) for the offence punishable under Sections 452, 294, 506, 323/34, 307/34, 427 of Indian Penal Code read with Section 25 & 27 of the Arms Act.
- 3) As per the prosecution case, on a certain dispute the applicant alongwith other co-accused entered into the house of Mahesh Kumar and assaulted him initially on 14/12/2020, subsequently again came back on 15/12/2020 and thereafter assaulted Mahesh Kumar. On report being lodged by the Parvati Kewat, wife of victim Mahesh Kumar to the above effect, the aforesaid offence have been registered against the accused persons.
- 4) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He submits that co-accused Vishesh Das @ Nanu (in MCRC No. 2362/2021), Jaiprakash (In MCRC No. 1372/2021) have already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 20/07/2021. He submits that charge sheet has been filed, the applicant is in jail since 14/02/2021. 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 conclusion of 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 allegation against the present applicant, the detention period of the applicant who is 34 years old, in particular the fact that two **co-accused** have already been released on bail by the Co-ordinate Bench of this Court, charge sheet has already been filed, the offence is triable by Magistrate, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial is likely to take some time for its disposal 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