

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6093 of 2021

- Rahul Netam, S/o Shri Uttam Netam, aged 23 years, at - Masjid Para, Chura, P.S. Chhura, District Gariyaband (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through SHO P.S. Chhura, District Gariyaband (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Lukesh Kumar Mishra, Advocate
For Non-Applicant/State	:	Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

13.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 15.06.2021 in connection with Crime No. 77/2021 registered in Police Station- Chhura, District Gariyaband (C.G.), for the offence punishable under Section 307 of IPC.
2. Prosecution case, in brief, is that complainant Santu Nishad lodged a report alleging that on 14.06.2021 when he was coming to his home via liquor shop, he saw that the present applicant and others are abusing each other. When the complainant asked the applicant for not abusing, the applicant attacked the complainant with a knife as a result of which, the complainant sustained injuries on his right ear and back.
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 15.06.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has four criminal antecedents

under the Gambling Act.

5. Having regard to the facts and circumstances of the case, the fact that complainant Santu Nishad sustained injuries, admitted in OPD of hospital and after treatment from OPD, he has been discharged from hospital on the next day with no any serious complication, the detention period of the applicant who is 23 years old, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the bail 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