

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5916 of 2021

Malikram Diwaker S/o Ranjan, aged about 63 years R/o Village Khairwarkala, Police Station Pandatarai, District Kabirdham (CG.).

---- Applicant

Versus

State of Chhattisgarh, Through: the District Magistrate, District Kabirdham (CG.).

---- Non-Applicant

For Applicant	:	Mr. Bharat Rajput, Advocate.
For Non-Applicant/State	:	Mr. Raheem Upwani Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

06/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 22/06/2021 in connection with Crime No. 126/2021 registered at Police Station Pandatarai, District Kabirdham (C.G.) for the offence punishable under Sections 294, 323, 506-B, 452, 324 and 307 of the IPC.
- 2) As per the prosecution story, Complainant Jagmohan Diwaker lodged a report at Police Station Pandatari alleging therein that on 04/06/2021 at about 10:00 pm, the applicant entered into the house of the Complainant and assaulted him and his family members with the help of iron rod. On the basis of complaint, the police has registered the crime and the applicant was arrested on 22/06/2021.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 22/06/2021, he has no criminal antecedent and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) I have heard learned counsel for the parties.
- 6) Looking to the nature of injuries sustained by sister of Complainant, Chandrakala who was admitted in the hospital on 05/06/2021 and discharged on 07/06/2021, and no grievous injuries was mentioned in the CT scan report, and also considering the fact that the applicant who is aged about 63 years has no criminal antecedent, charge-sheet has been filed and there is no apprehension of the applicant tampering with the evidence or absconding and that conclusion of trial may take some time, without commenting on merit of the case, I am inclined to release the applicant on bail.
- 7) Accordingly, the application is **allowed**.
- 8) 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, 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 not involve himself in any offence of similar nature in future.
- 9) 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