

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6168 of 2020

- Gautam S/o Chaitu Lodhi Aged About 25 Years R/o Sadak Para Tifra, Ward No. 13, Recent Ward No. 8, Police Station Sirgitti District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti District Bilaspur Chhattisgarh, Chhattisgarh

---- Respondent

 For Applicant : Shri Dharendra Pandey, Advocate
 For Objector : Shri Ajay Kumbhrani, Advocate
 For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

06.01.2021

1. Heard.
2. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.100/2020, registered at Police Station Sirgitti, District- Bilaspur (CG), for the offence punishable under Sections 294, 323, 307, 506, 34 of the IPC.
3. Earlier bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses in MCRC No. 3470/2020 vide order dated 20.7.2020.
4. As per the case of prosecution, the applicant and other co-accused have assaulted two victims. It is alleged that while the co-accused was assaulting Syed Ishhadil

with the help of broken beer bottle, the applicant had caught hold of him, in which, the victim received serious injuries.

5. Learned counsel for the applicant submits that on account of a petty quarrel, the incident had taken place. He submits that according to the Doctor's report, injuries found on the body of the victim are simple in nature and none of the injuries is grievous nor any opinion of the doctor that the injuries could have caused death. He submits that the co-accused has already been released on bail by this Court in MCRC No.3592/2020 vide order dated 28/8/2020 and the applicant is in jail since 11.4.2020, therefore, the applicant may be released on bail.
6. On the other hand, learned counsel for the State as well as learned counsel for the Objector oppose the bail application. They submit that in view of the criminal overt act of the applicant in assisting the assault on the victim, prima facie case for intention of cause of death is made out.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the pre-trial detention and the injuries are said to be simple in nature and the co-accused has been released on bail, I am of the opinion that present is a fit case to release the applicant on bail.

9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one local surety in like sum to the satisfaction of the concerned trial Court on the condition that -
 - (a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - (b) He shall not make any attempt to tamper with the prosecution witnesses.

This bail is being granted on a specific condition that if, in case, the applicant is found misusing his liberty or there is any report made by the complainant that after his release, the applicant is threatening the witnesses or otherwise attempting to tamper with the prosecution witnesses, it would be open for the State/complainant to seek cancellation of bail.

11. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE