

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6030 of 2021

1. Motu @ Gajendra Kenwat S/o Shri Manglu Kenwat, Aged About 25 Years, R/o Ward No. 06, Kharod, P.S. Shivrinarayan, Tahsil Pamgarh, District Janjgir-Champa (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. P.S. Shivrinarayan, District Janjgir-Champa (C.G.).

---- Non-Applicant

For Applicant	: Mr. Ravindra Sharma, Advocate.
For Non-Applicant/State	: Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 30/07/2021 in connection with Crime No. 284/2021 registered at Police Station Shivrinarayan, District Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 323, 327, 341, 506 & 34 of Indian Penal Code.
- 2) Allegation against the present applicant is that on 19/07/2021 about 09:20 PM near Ashtmurti Temple at Village Kharoud, he alongwith other co-accused Dorilal Kewat and Tikeshwar Kewat demanded money for liquor from complainant Sandeep Nayak, on being refused by him they abused him, threatened him of life and assaulted with Belt, hands and fists, as a result of which complainant sustained injures. On report being lodged to the above effect, offence has been registered against the accused persons.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that

charge sheet has been filed, the applicant is in jail since 30/07/2021. He submits that the co-accused persons namely Dorilal Kewat and Tikeshwar Kewat have already been released on bail by the Court below. He further submits that there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has **02** criminal antecedents. However, in 01 case bearing Crime No. 319/2019 for the offence under Section 354, 354(घ) of Indian Penal Code & under Section 8 of the POCSO Act the applicant has been acquitted by giving him benefit of doubt vide judgment dated 16/02/2021 of the Trial Court.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the fact that the applicant has already been acquitted from charges under Section 354, 354(घ) of Indian Penal Code & under Section 8 of the POCSO Act registered against him in 2019 by the Trial Court, the detention period of the applicant who is 25 years old, charge sheet has already been filed, the offence is triable by Magistrate, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that co-accused Dorilal Kewat and Tikeshwar Kewat have already been released on bail by Trial Court and conclusion of trial seems to take some time 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