

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6442 of 2021**

- Jaypal, S/o Sitaram, aged about 60 Years, Caste Gond, R/o Village Tilokhan, Police Station and Tahsil Kelhari, District- Korea, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Kelhari, District- Korea, Chhattisgarh.

---Non-applicant

For Applicant Shri Ramsevak Soni, Advocate.

For State Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

22/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.50/2021 registered at Police Station Kelhari, District Korea, C.G. for the offence punishable under Section 307 of Indian Penal Code.
2. As per the prosecution case, on 21.07.2021 at about 11:00 am, applicant over a trivial issue with complainant- Bhola, abused him filthily and assaulted upon him by bow arrow as a result of which complainant sustained injuries on his body. On report to the above effect being lodged by the complainant, offence under the aforesaid section was registered against the applicant.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that no assault was made by the present applicant. Applicant is languishing in jail since 21.07.2021, charge sheet has already been filed and due to COVID-19 pandemic conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, further considering the fact that the injured remained hospitalized only for one day and thereafter he has taken treatment in the OPD and no other complication was found by the doctor, the detention period of the applicant, who is 60 years old, charge sheet has been filed, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic conclusion of trial may take some time, the application is allowed. It is directed that in the event of 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 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.

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

Akhilesh