

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6192 of 2021

1. Tushar Soni S/o Dayaram, Aged About 19 Years, R/o Dipka, Police Station Dipka, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Dipka, District Korba (C.G.).

---- Non-Applicant

For Applicant : Mr. Vijay Kumar Sahu, Advocate.
For Non-Applicant/State : Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 28/05/2021 in connection with Crime No. 186/2021 registered at Police Station Dipka, District Korba (C.G.) for the offence punishable under Section 394, 411 of Indian Penal Code.
- 2) Allegation against the present applicant is that on 26/05/2021 at 12 noon when the complainant Rana Ranjit Kumar was going to his shop situated at Katghora Dipka, on the way the applicant assaulted on him with a club from behind and with fist on his face repeatedly. The applicant looted his Mobile and fled from the spot.
- 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 28/05/2021, charge sheet has been filed and trial is likely to take some time for its

disposal. 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 two criminal antecedents bearing Crime No. 14/2021 for the offence under Section 294, 506, 323, 325, 34 of IPC & under Section 3(ii)(v) of SCST Act and Crime No. 154/2021 under Section 392, 34 of IPC, registered at Police Station Dipka, District Korba (C.G.).
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant who is 19 years old, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may 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. 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 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 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