

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6446 of 2021**

- Prateek Tandi, S/o Jitendra Tandi, aged about 19 Years, R/o Near Banshi Kirana Store Banjari Nagar, Deendayal Nagar, Police Station D.D. Nagar, District- Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Deendayal Nagar, Raipur, District- Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Sukhdev Prasad Sahu, Advocate.
For State	Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/11/2021

1. Earlier the applicant had filed MCRC No.9215 of 2020 which was dismissed as withdrawn by this Court vide order dated 28.01.2021.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.117/2020 registered at Police Station Deendayal Nagar, District Raipur, C.G. for the offence punishable under Sections 307, 323, 341, 294 & 506-B of Indian Penal Code.
3. As per the prosecution case, on 10.03.2020 at about 2:00 pm, applicant quarreled with the complainant- Rahul Verma, abused him filthily, committed *marpeet* with him and assaulted upon him

by knife as a result of which complainant sustained injuries on his chest. On report to the above effect being lodged by the complainant, offence under the aforesaid sections were registered against the applicant.

4. 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 was arrested on 22.11.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He submits that applicant has only one criminal antecedent of the year 2019 bearing Crime No.66/2019 for the offence under Sections 394, 323, 34, 324 of Indian Penal Code.
6. Heard learned counsel for the parties.
7. 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 from 10.03.2020 to 13.03.2020 and no other complication was found by the doctor, the detention period of the applicant, who is 19 years old, charge sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the

event of 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 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge