

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6468 of 2021

1. Ishwar Nishad S/o Shri Aswant Nishad, aged 19 years,
2. Jeetu Nishad, S/o Late Vishnu Prasad Nishad, Aged 31 years
Both R/o Village- Bundeli, Ward No. 20, P.S. Neora, District Raipur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh Through: P.S. Tilda – Neora, District Raipur (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Anchal Kumar Matre, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

11.11.2021

1. The applicants have preferred this second bail application under Section 439 of Cr.P.C. as they are in jail since 05.06.2021 in connection with Crime No. 19/2021 registered in Police Station Tilda-Neora, District Raipur (C.G.), for the offence punishable under Section 307/34 of IPC.
2. The first bail application of the applicants was dismissed as withdrawn by this Court vide order dated 27.07.2021 passed in M.Cr.C. No. 4706 of 2021. However, this Court had granted liberty in favour of the applicants to file a fresh application as and when occasion arises.
3. Allegation against the present applicants is that on 12.01.2021, the applicants assaulted Ramesh Yadav, injured, by axe (*tangia*) as a result of which he sustained injury on his head.
4. Learned counsel for the applicants submits that the applicant has been falsely implicated in the crime in question, the F.I.R. was lodged by the father

of the injured against the unknown person and on the suspicion, the applicants have been made accused in this case. He further submits that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are jail since 05.06.2021, charge-sheet has already been filed and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that there is no mention in the case diary that the applicants have criminal antecedents.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, considering the nature of injury sustained by the injured, the detention period of the applicants who are 19 & 31 years old, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, the bail application is allowed.
8. It is directed that in the event of each of the applicants 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, they shall be released on bail, on following conditions :-
 - i. they 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/her from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date

given to them by the said Court till disposal of the trial.

- iv. they shall not involve themselves in any offence of similar nature in future.

9. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

Sd/-

(Gautam Chourdiya)
Judge

vatti