

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6329 of 2021

1. Dharam Sai S/o Late Sukham Ram Suryavanshi, Aged About 40 Years, R/o Village Kushaha, Police Station And Tahsil Sonhat, District Koriya (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Sonhat, District Koriya (C.G.).

---- Non-Applicant

For Applicant : Mr. Pushpendra Kuamr Patel, Advocate.

For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

21/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 12/07/2021 in connection with Crime No. 142/2020 registered at Police Station Sonhat, District Koriya (C.G.) for the offence punishable under Sections 294, 506, 323/34, 326, 324 of Indian Penal Code.
- 2) As per the prosecution case, on 12/10/2020 the complainant Urmila Cherva lodged a report that on the said date when her son Shivnarayan was sitting in front of her house, at that time co-accused Sunita, Mahendra, Surendra and the present applicant came there on motorcycle and having abused her son and threatened him of life, started assaulting him. The present applicant assaulted her son with an Axe on his head and also assaulted her husband with the handle of the Axe on his hands. When she tried to intervene, she was assaulted by co-accused Sunita with a club on his head. Upon CT Scan being done fracture on the skull bone of Shivnarayan was found. On report

being lodged to the above effect, offence have 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 the co-accused persons namely Sunita Kurrey, Surendra & Mahendra have already been released on bail by the Court below vide order dated 16/07/2021 & 29/07/2021 respectively. 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.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, in particular the fact that co-accused Sunita Kurrey, Surendra & Mahendra have already been released on bail by Court below, the injured victim Shivnarayan who suffered head injury remained hospitalized for 3 days only from 12/10/2020 to 14/10/2020, the detention period of the applicant who is 40 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 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. 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,
- 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