

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6614 of 2021**

- Sameer Khandey, S/o Jagat Khandey, aged about 19 Years, R/o Mini Basti, Jarhabhata, P.S.- Civil Line, Distt. Bilaspur (Chhattisgarh).

----Applicant**Versus**

- State of Chhattisgarh, Through P.S.- Civil Line, Distt. Bilaspur (Chhattisgarh).

---Non-applicant

For Applicant Shri Syed Ishhadil Ali, Advocate.

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

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

24/09/2021

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.401/2021 registered at Police Station Civil Line, District Bilaspur, C.G. for the offence punishable under Sections 452, 323, 325, 294 & 307 of Indian Penal Code.
2. As per the prosecution case, on 02.04.2021 at about 11:30 am applicant with intention to kill Ramkali Dehariya (complainant's mother) went to her house, assaulted upon her by knife and also committed *marpeet* with her as a result of which Ramkali Dehariya sustained injuries on her 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 03.04.2021, 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. He submits that applicant has only one criminal antecedent bearing Crime No.480/2016 for the offence under Section 379 of Indian Penal Code.
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 from 02.04.2021 to 06.04.2021 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 due to COVID-19 pandemic 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