

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6629 of 2021

- Ramkumar Goswami, S/o Late Kuwar Das Goswami, Aged About 46 Years, R/o Village Dodka Chaura, Thana Jashpur, Tehsil and District Jashpur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through Police Station Jashpur, District-Jashpur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Sanjay Agrawal, Advocate
For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

29.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 15.07.2020 in connection with Crime No. 144/2020, registered at Police Station- Jashpur, District- Jashpur (C.G.) for the offence punishable under Section 307/34 of IPC.
- 2) Allegation against the applicant is that on 14.07.2020 at about 4 am, alongwith other co-accused persons assaulted the victim Dashrath Prasad by hands and fists as a result of which he sustained injuries. On report being lodged to the above effect the aforesaid offence has 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 further submits that co-accused person narendra Singh has already been granted bail by the Co-ordinate Bench of this Court vide order dated 03.08.2021 in MCRC No. 3953 of 2021. Charge-sheet has already been filed, there is no likelihood of his

tampering with the prosecution evidence or absconding. The applicant is in jail since 15.07.2020 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, the nature of injuries sustained by the victim, charge-sheet has already been filed, the detention period of the applicant, who is 46 years old, co-accused Narendra Singh has already been granted bail by the co-ordinate Bench of this Court, there is no likelihood of the applicant tampering with the prosecution 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, the application is allowed.
- 6) 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 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 similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim