

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6618 of 2021

- Dhaneshwar Verma S/o Sher Singh, aged about 21 years, R/o Village Chingli, Out Post Jalbandha, P.S. and Tehsil- Khairagarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – District Magistrate, Rajnandgaon, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Abhishek Sharma, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer
For Complainant	:	Shri Prabhakar Tiwari, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

30.09.2021

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 16.11.2020 in connection with Crime No. 443/2020 registered in Police Station Outpost Jalbandha, P.S. Khairagarh, District Rajnandgaon (C.G.), for the offence punishable under Section 307/34 of IPC.
2. The first bail application of the present applicant was dismissed as withdrawn by this Court vide common order dated 10.02.2021 passed in M.Cr.C. No. 9248/2020 & M.Cr.C. No. 9352/2020.
3. Case of the prosecution is that complainant Bhojeshwar Verma lodged a report to the concerned police that on 15.11.2020 at about 06:00 pm when his father- Ghasiram Verma was sitting in the betel shop, the present applicant and other two accused persons namely Sevakram and Sher Singh Verma came there and started quarrel and abused on account of harvesting of crop by the Harvester in the field and applicant- Dhaneshwar Verma saying that I will kill you, took out the knife kept in his pocket and stabbed the knife into stomach of his father, due to which his father received grievous

injuries. Based on this, the present and co-accused persons were taken into custody and knife was seized from the possession of present applicant and in his memorandum statement he has admitted commission of offence.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 16.11.2020, thereafter he has been released on parole for 90 days from 17.05.2021 to 17.08.2021, during this period he did not misuse the liberty of bail and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court. He further submits that compromise has taken place between the parties and injured Ghasiram Verma and complainant Bhojeshwar Verma have no objection to grant of bail to the applicant by this Court. He also submits that co-accused namely Sevakram and Sher Singh Verma have already been granted regular bail by this Court vide common order dated 10.02.2021 passed in M.Cr.C. No. 9248/2020 & M.Cr.C. No. 9352/2020.
5. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.
6. Learned counsel for the complainant has no objection to grant of bail to the applicant by this Court.
7. Injured Ghasiram Verma and complainant Bhojeshwar Verma are present in person before this Court alongwith their counsel Shri Prabhakar Tiwari, they are identified/verified by their counsel through their Aadhar Cards. Injured and complainant stated that the compromise has taken place between them and the applicant and they have no objection to grant of bail to the applicant by this Court.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the memorandum statement of the present applicant, in which, he has admitted that on account of dispute of

Harvestor, the quarrel had taken place and he assaulted Ghasiram Verma with a knife in his stomach and knife has been seized from his possession, the detention period of the applicant i.e. 16.11.2020, he is 21 years old, thereafter he has been released on parole for 90 days from 17.05.2021 to 17.08.2021 due to Covid-19 pandemic, during this period he did not misuse the liberty of bail, as per Annexure-A/3 compromise has taken place between the parties, injured and complainant have no objection to grant of bail to the applicant by this Court, the fact that there is no likelihood of the applicant 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, further that the co-accused persons have already been granted regular bail by this Court, without commenting anything on merits of the case, the bail application is allowed.

9. 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 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/her 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 not involve himself in any offence of similar nature in future.

10. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge