

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6813 of 2021

- Bissu Korram, S/o Shri Gannu Ram Korram, Aged About 39 Years, Caste- Gond, R/o Village Sarona, Thana and Tahsil Narharpur, District- North Baster Kanker, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh, Through- Station House Officer, Police Outpost Dudhawa, Thana-Narharpur, District- North Baster Kanker, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Sunil Sahu, Advocate

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

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

01.10.2021

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 18.08.2021 in connection with Crime No. 103/2021, registered at Police Station- Outpost- Dudhawa, Thana-Narharpur, District- North Baster Kanker (C.G.) for the offence punishable under Sections 294, 323, 506, 34, 332, 353 of IPC.
- 2) As per the prosecution case, on 17.08.2021 when the applicant went to fetch water from the tap of the hospital premises, the complainant Dr. Sushil Kumar Gupta objected to it and asked him to have water from the public tap. On this, the applicant alongwith other co-accused having club came to the complainant for their treatment. The complainant was asking them about their problem, the applicant with co-accused without any reason started abusing the complainant, gave threat of life, assaulted

the complainant with the club on his vital part head, hand and other parts of the body. When the wife of the complainant intervened she was also assaulted by them with club, she also sustained injuries.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 18.08.2021, charge-sheet has been filed 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-Applciant/State opposes the bail application, however, he submits that the applicant has no criminal antecedents.
- 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 complainant party i.e. simple as per MLC report, charge-sheet has already been filed, the detention period of the applicant, who is 39 years old, the fact that the applicant has no criminal antecedents, 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