

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6781 of 2021

- Ananya Bhimte, S/o Anand Bhimte, Aged About 20 Years, R/o Nagdouna Aata Chakki, Magarpara Chowk, Police Station Civil Line, District- Bilaspur, Chhattisgarh. ---- **Applicant**

Versus

- The State of Chhattisgarh, Through- Police Station Civil Line, District- Bilaspur, Chhattisgarh. ---- **Non-Applicant**

For Applicant : Shri A. K. Prasad, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

26.10.2021

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. 830/2021 registered at Police Station Civil Line, Bilaspur, District- Bilaspur (C.G.) for the offence punishable under Sections 294, 307 r/w 34 of IPC.
- 2) Allegation against the applicant is that he alongwith other co-accused persons assaulted the complainant Ramjan Khan with knife and caused injuries on vital part head & left ear, when he was stopping the accused persons for causing disturbance during procession at Kabristan, near Marimai temple, Magarpara. On report being lodged to the above effect the aforesaid offence has been registered against them and during investigation accused persons were arrested.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that assault made upon the complainant is not by the

present applicant, it was made by the co-accused persons Gadar @ Manas Meshram, Goldi & Avinash Borkar, he 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 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, main allegation made against the co-accused persons, nature of injuries sustained by the victim, the detention period of the applicant, who is 20 years old and 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. 1,00,000/- with two sureties of Rs. 50,000/- 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