

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6989 of 2021**

- Rakesh Patel, S/o Dashrath Patel, aged about 27 Years, R/o Ward No. 56 Patelpara Baghera, Police Station - Durg, Tahsil and District - Durg (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Durg, District - Durg (Chhattisgarh).

----Non-applicant

For Applicant	Shri Tarun Dansena, Advocate.
For State	Shri Shakti Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

28/10/2021

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.485/2021 registered at Police Station Durg, District Durg, C.G. for the offence punishable under Sections 294, 506, 323, 324, 307, 34 of Indian Penal Code and Sections 25 & 27 of the Arms Act.
2. Allegation against the present applicant is that on 15.06.2021 at about 6:00 pm due to previous enmity with the complainant Bharatdwaj, the applicant with intention to commit his murder, abused him filthily, assaulted upon him by knife, hands and fists and also committed *marpeet* with him. On report to the above effect being lodged by the complainant, offence under the aforesaid sections were registered against the applicant and co-accused.

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 was arrested on 01.07.2021, charge sheet has already been filed and 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. However, he submits that applicant has no criminal antecedents.
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, the nature of injury sustained by the victim, further considering the fact that the injured remained hospitalized from 23.06.2021 to 01.07.2021 and no any complication was found by the doctor, the detention period of the applicant, who is 27 years old, charge sheet has been filed, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the 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, 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

Akhilesh