

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7024 of 2021**

- Ramesh @ Piku Chaudhry, S/o Shri Shambhu Chaudhary, aged about 27 years, R/o Krishna Nagar, Belgahana, Chowki Belgahana, Police Station Kota, District Bilaspur (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through Station House Officer Police Chowki Belgahana, P.S. Kota, District Bilaspur (CG)

....Non-applicant

For Applicant	:	Mr. Akash Shrivastava, Advocate.
For Non-applicant	:	Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****14.12.2021**

1. This is first application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to applicant as he is in custody since 31.3.2021 in connection with Crime No.196/21 registered at Police Outpost- Belgahana, Police Station Kota, District Bilaspur for commission of offence punishable under Sections 294, 307 IPC and Section 25 & 27 of Arms Act.
2. Case of prosecution is that on 31.3.2021 at about 1:30 p.m. complainant along with his friend Babla went to Tetka Hotel for tea, there he saw that applicant, who was having sword in his hand, was abusing persons sitting in hotel. Complainant tried to stop applicant whereupon he gave blow by sword on his head which complainant saved by moving his head. Applicant gave another sword blow which complainant stopped with his right hand which resulted in injuries on fingers of his right hand. Incident was reported in concerned police station based on which aforementioned crime is registered against applicant.
3. Mr. Akash Shrivastava, learned counsel for applicant would submit that allegations levelled against applicant are absolutely false and baseless. From the allegations contained in FIR it is clear that applicant had no intention to cause injury of any nature to complainant; complainant suffered injury during

scuffle and not on account of assault made by applicant from sword. Applicant had no previous animosity with complainant. Applicant is in jail since 31.3.2021, hence he may be enlarged on regular bail.

4. Per contra, Mr. Anil Tripathi, learned Panel Lawyer for State opposes submissions of learned counsel for applicant and submits that there is specific allegation that applicant gave sword blow on head of complainant which he saved by moving his head. Thereafter applicant gave second sword blow which caused injury on fingers of right hand of complainant. Incident was witnessed by Shailesh @ Babla. However, on putting specific query with regard to criminal antecedents of applicant, learned State Counsel submits that there is no mention of any criminal antecedent against applicant in case diary.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegations; manner in which alleged incident occurred, submission of learned counsel for both sides that there is no other criminal antecedent against applicant and considering pre-trial detention of applicant i.e. since 31.3.2021; without commenting anything on merits of case, I am inclined to enlarge applicant on regular bail. Accordingly, application is allowed and it is directed that applicant shall be released on regular bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with prosecution witnesses.
 - c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-