

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7297 of 2021**

- Ajay Painkra S/o Shri Somar Sai Aged About 25 Years R/o Village Kalcha, Police Station And Tahsil Udaipur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- The State of Chhattisgarh, Through : The Station House Officer, Police Station Udaipur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Neeraj Kumar Mehta, Adv.
For Respondent/State	:	Mr. Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27/10/2021**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 49/2021 registered at Police Station-Udaipur, District - Surguja (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 307, 395, 506, 323 and 325 of the IPC.
2. The prosecution story, in brief is that, on 12.03.2021 at about 7:00 pm when Ankit, a worker in the hotel of complainant Sabbir Hasan, went to throw the garbage, he was beaten by three unknown boys who were pacified by the complainant and others. However, on the next day i.e. 13.03.2021, 10-15 boys, out of whom three were the boys who had beaten Ankit, armed with club, stick and crowbar forcibly entered the hotel of the complainant abusing filthily and started assaulting the complainant, his father, Sabbar Ali and Gulam Abbas. One of the assailants assaulted the complainant with

intention to kill him on his head with a club. The accused persons also looted 14-15 thousand rupees of the complainant and thereafter fled from there. Based on this offence has been registered against the present applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the other co-accused persons have already been granted bail vide order dated 10.08.2021 passed in MCRCs No. 2734/2021, 3626/2021, 3715/2021 and 4326/2021, therefore the present applicant may also be entitled for grant of bail. The applicant is in jail since 06.09.2021, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant and further considering the facts that the other co-accused persons have already been granted bail by this Court and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 2,00,000/- with two sureties of Rs. 1,00,000/- - Rs. 1,00,000/- in the like sum to the satisfaction of the 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 themselves in any offence of similar nature in future.

**Sd/-
(Rajani Dubey)
Judge**