

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7724 of 2021

- Chetan Pasi, son of Mansingh Pasi, aged about 22 years, resident of Mana Basti, Nai Mohalla, P.S. Mana Camp, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Mana Camp, District Raipur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri C.R. Sahu, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

17.11.2021

1. The applicant has preferred this third bail application under Section 439 of Cr.P.C. as he is in jail since 15.11.2020 in connection with Crime No. 162/2020 registered in Police Station Mana Camp, District Raipur (C.G.), for the offence punishable under Sections 294, 506, 307/34 of IPC and Section 4 read with Section 25 (1-ख) (ख), Section 5 (1) (क) read with Section 27 (1) of Arms Act.
2. The first and second bail applications of the applicant was dismissed as withdrawn by this Court vide orders dated 02.03.2021 & 11.08.2021 passed in M.Cr.C. No. 1130/2021 & M.Cr.C. No. 5205/2021. However, this Court had granted liberty in favour of the applicant to file a fresh application as and when occasion arises.
3. As per the prosecution case, complainant Nand Kishore informed the Police of Police Station Mana Camp, District Raipur that on 15.10.2020 some dispute arose between complainant's brother Subhash Bais (victim), present applicant and co-accused Bhuwan Pasi regarding gambling. Thereafter, accused persons threatened the victim of life and assaulted upon him by

sword, as a result of which victim sustained stab injuries on his back side. On report being lodged to the above effect, the aforesaid offence have been registered against the present applicant and co-accused.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 15.11.2020, charge-sheet has already been filed and there is no likelihood of the applicant tampering with the prosecution evidence or absconding and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court. He also submits that co-accused Bhuwan Pasi has already been granted regular bail by this Court vide order dated 11.08.2021 passed in M.Cr.C. No. 5306/2021.
5. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has two criminal antecedent under Section of IPC.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, the nature of dispute giving rise to the incident, only two injuries were found on the back of the victim, the injured was discharged from hospital without any complication, the detention period of the applicant who is 22 years old, charge-sheet has already been filed, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, further that the co-accused Bhuwan Pasi has already been granted regular bail by this Court, in the changed facts and circumstances of the case, without commenting anything on merits of the case, this third bail application is allowed.
8. It is directed that in the event of 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/her 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 not involve himself in any offence of similar nature in future.

9. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge