

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7917 of 2021

Durgesh @ Nanu Tamrakar S/o Shri Dinesh Tamrakar Aged About 21 Years R/o Near Sarswati Shishu Mandir, Bada Bazar Mungeli District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali, Mungeli Mungeli Chhattisgarh.

---- Non-Applicant

For Applicant: Shri Dharendra Pandey, Advocate.
For Non-Applicant/State : Shri Ishwar Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

27.10.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.246/2021 registered at Police Station – City Kotwali, Mungeli District – Mungeli, Chhattisgarh for the offence punishable under Sections 294, 324, 506 and 307 IPC.
2. Prosecution case in brief is that on 28.05.2021, when the husband of the Complainant namely Pankaj closed his shop and left for his home, then present Applicant came to him and demanded to open the shop. On denying, the accused/Applicant abused her husband and when the brother-in-law (*devar*) namely Paras Soni intervened, accused/Applicant abused him and assaulted with sickle.
3. Learned counsel for the Applicant submits that the present Applicant is innocent and has been falsely implicated in the crime in question. Initially, the offence under Sections 294, 324, 506 was registered against

the Applicant and later, on the basis of MLC, offence under Section 307 has also been added. He further submits that the Applicant is languishing in jail since 30.05.2021 and therefore, he may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application.

5. Considering the facts and circumstances of the case, looking to the period of detention, the nature of offence and the trial is likely to take some time for its conclusion, I am inclined to grant regular bail to the Applicant.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed. In case any default is committed by the Applicant in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya