

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7944 of 2021**

- Satish Kumar Bhaskar, S/o Durga Prasad Bhaskar, aged about 32 Years, R/o Bada Bhandari Para, Ward No. 16, Dayalpur, Police Station Lalpur, Lormi, District Mungeli, Chhattisgarh.

---Applicant

Versus

- State of Chhattisgarh, Through - Station House Office, Police Station Khamhardih, District Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri C.R. Sahu, Advocate.
For State	Shri Anand Verma, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

22/11/2021

1. First bail application preferred by the applicant was dismissed as withdrawn vide order dated 13.09.2021 passed in MCRC No. 6081 of 2021.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.100/2021 registered at Police Station Khamhardih, District Raipur, C.G. for the offence punishable under Sections 294, 323, 506, 307, 34 of Indian Penal Code.
3. As per the prosecution case, it is alleged that present applicant along with co-accused Arjun Jaiswal assaulted upon the victim Hemant with iron rod, as a result of which victim sustained grievous injuries on his head and nose. Based on this, aforesaid offence have been registered

against the applicant along with co-accused.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission of any offence as alleged against him, applicant is in jail since 11.06.2021, charge sheet has already been filed, conclusion of trial is likely to take some time and that co-accused person namely- Arjun Jaiswal in this case has already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 29.10.2021 in MCRC No.7308 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the detention period of the applicant, who is 32 years old, charge sheet has been filed, the fact that the co-accused person in this case has already been granted regular bail by the Co-ordinate Bench of this Court, 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 expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a

personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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