

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9522 of 2020**

- Mohammad Javed S/o Mahammad Hanif Aged About 40 Years R/o New Mines Quarter Chhota Bazar, Chirmiri, Police Station Chirmiri, District Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Chirmiri, District- Koriya, Chhattisgarh. **---- Non-applicant.**

For Applicant	:	Mr. Anil Gulati, Advocate
For State	:	Mr. V.K. Agrawal, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02-03-2021**

1. The applicant has preferred the first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he has been arrested in connection with Crime No. 294 of 2020 registered in Police Station Chirmiri, District Koriya(CG) for offence punishable under Sections 294, 323, 506, 324, 307 of IPC.
2. The allegation against the present applicant is that the complainant/injured namely Mohd Ayub, who is brother of present applicant lodged a report in Police Station stating therein that on 8-8-2020 present applicant demanded money from him and as the complainant refused to give money, applicant assaulted him with knife as a result of which he sustained injury.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that the applicant and injured are real brothers and an affidavit was sworn by the injured before the court below wherein he stated that he received injuries as he fell down and he has not raised any objection to grant of bail to the applicant. He would further submit that charge sheet has been filed, he is in jail since 9-8-2020 and conclusion of the trial is likely to take some time, therefore he 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. Complainant/injured Mohad. Ayub is present before this court today. He and his ID are identified by the counsel for the applicant and State counsel. He submits that he and applicant are real brothers and he is not admitted in hospital even in a single day. He has also stated that he has no objection to grant of bail to the applicant.
7. Considering the facts and circumstances of the case, the fact that the victim was not admitted in hospital even in a single day, looking to the nature of injuries sustained by the victim, detention period of the applicant, looking to the aforesaid submission made by the injured/complainant and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that present is a fit case to grant bail to the applicant.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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 not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this Court.

Sd/-

(Gautam Chourdiya)
Judge

Raju