

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8939 of 2020

1. Vinod Binjharwar S/o Shri Rajkumar Binjharwar, Aged About 20 Years, Resident Of Village Gudi, P.S. Seepat, Tahsil Masturi, District Bilaspur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Seepat, District Bilaspur (C.G.).

---- Non-Applicant

For Applicant	: Shri Pradeep Kumar Jogi, Advocate.
For Respondent/State	: Shri Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27/01/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 20/11/2020 in connection with Crime No. 470/2020 registered at Police Station Seepat, District Bilaspur (C.G.) for the offence under Sections 294, 323, 325, 506 & 327 of IPC.
- 2) Case of the prosecution in brief is that on 13/11/2020 at about 7 PM, the present applicant demanded money from victim Pramod Kumar Soni for purchasing liquor and on refusal, the present applicant started filthily abusing the victim, assaulted him with club and threatened him of life. Due to the said assault, the victim sustained injuries over both the forearms. On report being lodged by son of the victim namely Anil Kumar Soni to the above effect, the applicant was arrested on 20/11/2020 and the aforesaid offence was registered against him.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He

submits that the applicant is in jail since 20/11/2020, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the age of the applicant, the fact that the injured was admitted in Hospital on 14/11/2020 and discharged on 18/11/2020 i.e. within a period of five days, the detention period of the applicant, the applicant is the first offender as admitted by both the counsel, charge sheet has already been filed, the offences are triable by Judicial Magistrate First Class and conclusion of trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. 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 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.

-Sd/-
(Gautam Chourdiya)
Judge