

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8936 of 2020**

- Rahul Choudhary S/o Dhaniram Choudhary, Aged About 21 Years R/o Near Khudiram Bose Chowk, Tarbahar, P.S. Tarbahar, Tahsil And District Bilaspur Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar, Bilaspur, District Bilaspur Chhattisgarh. **---- Respondent**

For Applicant : Shri Amit Kumar, Advocate
 For Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****11.01.2021**

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 on 15.06.2020 in connection with Crime No. 137/2020, at Police Station- Tarbahar, District- Bilaspur (C.G.) for the offence punishable under Section 307/34 of I.P.C. and Section 25, 27 of Arms Act.
2. Case of the prosecution in brief is that on 14.06.2020 in the night when the victim Sonu was going on motorcycle, the applicant on account of previous enmity stopped the victim, started abusing filthily and on objection being raised by the victim uncle of the applicant assaulted the victim on his head with wooden log (*Batta*) the applicant with intention to commit his murder assaulted him with knife on his abdomen, back and hip region. It is alleged that during this process other family members of the applicant also assaulted the victim. On report being lodged by brother of the victim namely Golu Balmik on 15.06.2020, aforesaid offence has been registered against *present* applicant and other co-accused have been granted bail by the co-ordinate Bench of this Court.
3. complainant Golu Balmik lodged report at Tarbahar Police Station

stating that on 14.06.2020 at night at about 11.30 p.m. his brother victim namely Sonu made call to him stating that he alongwith Akash, Vishal went to Tinku kaithwas's house Jinatbihar for dinner, on returning their home they stopped for Gutkha during which, one Rahul Choudhary came there used filthy words and saying that you people are roaming on Jeep, when they try to overcome the situation, Rahul's uncle attacked by club (batta) on head of the Victim Sonu he fell down from vehicle-bullet and assaulted him with knife on abdomen, back and hip. It is alleged that some other persons also beaten the victim at that time.

4. Learned counsel for the applicants would argue that the appellant is an innocent person, he has not committed any offence, he is falsely implicated. He further submits that the co-accused persons have been granted bail by the co-ordinate Bench of this Court vide order dated 19.11.2020 in MCRC No. 6757 of 2020 and MCRC No. 6771 of 2020. He further submits that nature of injury sustained by the victim are simple, as per MLC injuries are only lacerated in nature which shows that allegation of assault by knife is false. It is submitted that applicant has no previous criminal antecedent and he is in jail since 15.06.2020 and trial is likely to take time for its conclusion, therefore, he may be granted bail.
5. On the other hand, learned State counsel opposes bail application and submits that the applicant has no previous criminal antecedents.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, looking to the MLC report of the victim, shows that injuries are simple in nature and are lacerated wound, detention period of the accused, the fact that the applicant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time and that similarly situated co-accused have been granted bail by the co-

ordinate Bench of this Court, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- along with two local sureties each, to the satisfaction of the concerned trial Court, with following further conditions:-

(I) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Gautam Chourdiya)
Judge

Nadim