

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8935 of 2020

1. Ankit Rajak @ Manesh Rajak S/o Late Santosh Nirmalkar, Aged About 20 Years, R/o Nariyal Kothi Madhuwan, Tahsil And District Bilaspur (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant	:	Mr. C.K. Kesharwani, Advocate.
For Non-Applicant/State	:	Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/03/2021

- 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 24/11/2020 in connection with Crime No. 222/2020 registered at Police Station City Kotwali, District Bilaspur (C.G.) for the offence under Sections 294, 323, 327 & 329 of IPC.
- 2) Allegation against the present applicant is that on 06/10/2020 when the complainant Praveen Ghore went to Muktidham at madhuban Road in connection with some work, the applicant came there, demanded money for having liquor and on being refused by the complainant, he abused him filthily and assaulted him with iron rod lying there as a result of which the complainant sustained injuries over face, head and other parts of the body.
- 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 24/11/2020, charge sheet

has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has 03 criminal antecedents i.e. Crime No. 188/17 for offence under Sections 294, 506 & 323 of IPC, Crime No. 113/18 for offence under Sections 294, 506, 323, 34 of IPC and Crime No. 186/18 for offence under Sections 379, 511, 34, 427 of IPC all are registered at Police Station City Kotwali, District Bilaspur (C.G.).
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 20 years old, charge sheet has already been filed, there are three criminal antecedents as stated above which are triable by the Magistrate and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

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 similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant