

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9100 of 2020

- Bhupendra @ Lalla Koushik S/o Shri Janakram Koushik, Aged About 43 Years R/o Opposite Raghuraj Stadium, Imlipara, P.S. Taarbahar, District Bilaspur Chhattisgarh. ---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Civil Line District Bilaspur Chhattisgarh. ---- **Respondent**

For Applicant : Shri J.K. Gupta, Advocate
For Respondent/State : Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.01.2021

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 23.11.2020 in connection with Crime No. 854/2020, at Police Station-Civil line, District-Bilaspur (C.G.) for the offence punishable under Section 327, 294, 506, 323, 34 of Indian Penal Code.
2. The allegation against the applicant is that on 22.11.2020 at night about 22.45 Hrs complainant namely Ayush Sharma was playing badminton alongwith his brothers namely Rohit Sharma and Vinay Sharma near Kashyap Badi. The present applicant/accused along with co-accused persons namely Santu Tiwari, Pradeep Kashyap, Nikhil Kashyap and Lalla Kaushik came there and demanded money for liquor and on refusal by the complainant, the applicant along with co-accused persons started abusing them filthily, assaulted the complainant party with hands,

fists and club, as a result of which, the complainant party received injuries on several parts of the body.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits injuries sustained by the complainant are simple in nature and that the applicant/accused is 22 years old and he has no criminal antecedents, conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and looking to the injury sustained by the complainant i.e. simple, detention period of the applicant and the fact that the applicant is a young offender of 22 years as is seen from the impugned order of the trial Court, arrest memo and other documents available in case diary though his age has wrongly been mentioned as 43 years in cause title herein, he has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of the 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 following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

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

(d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim