

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9336 of 2020

1. Krishna Netam S/o Keju Netam Aged About 40 Years R/o Village Nachniya, Police Station Salhewara, Tahsil Chhuikhadan, District Rajnandgaon (C.G.).

---- Applicant

Versus

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

---- Non-Applicant

For Applicant	:	Shri Abhishek Sharma, Advocate.
For Non-Applicant/State	:	Shri Hariom Rai, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/02/2021

- 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 09/11/2020 in connection with Crime No. 180/2020 registered at Police Station Gandai, District Rajnandgaon (C.G.) for the offence under Sections 186, 294, 323, 332, 353, 34 of IPC.
- 2) Case of the prosecution, in brief is that 08/11/2020 at about 20:12 hours the applicant and his wife Lalita Netam (co-accused) were hurling abuses at each other in a public place in front of Gangai Temple. When the Police party on patrolling asked them to maintain peace in public place, they started abusing the Police party filthily and committed *Marpeet* with them as also tore the uniform of the complainant Bhikham (Police Constable). On report being lodged by the complainant, the aforesaid offence has been registered against the applicant and the co-accused.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. The

applicant is in jail since 09/11/2020, 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 detention period of the applicant, the fact that charge sheet has already been filed and that 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 air 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