

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8640 of 2021**

- Shekhar Nirmalkar @ Kondal, S/o Narendra Nirmalkar, aged about 25 Years, Caste Dobi, R/o Ward No. 22, Behind JD Office, Machli Market, Rajhara, Police Station Dalli Rajhara, District Balod, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Rajhara, District Balod, Chhattisgarh.

---- Respondent

For Applicant	Mr. B.P. Singh, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/12/2021

1. First bail application preferred by the applicant was dismissed as withdrawn vide order dated 21.01.2021 passed in MCRC No. 8805 of 2020.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.278/2020 registered at Police Station Rajhara, District Balod, C.G. for the offence punishable under Sections 307, 324, 506 Part-II read with 34 of Indian Penal Code.
3. Allegation against the present applicant is that he along with other co-accused persons with intent to commit murder of Ravi Nishad, assaulted him with a blade on his stomach and also voluntarily caused grievous injury on the left arm of Vicky Dewangan with a blade.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not inflicted any injury over the injured persons with intention to commit murder. Applicant is in jail since 07.07.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. She submits that applicant has as many as nine criminal antecedents pertaining to the year 2016 to 2019.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, the fact that only one injury on the abdomen was caused to the victim Ravi Nishad, the detention period of the applicant, who is 25 years old, charge sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh