

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 539 of 2021**

- Kansay Gond, S/o Bijatu Gond, aged about 27 Years, R/o Village Karlajhar, P.S. Paylikhand (Jugaad), District Gariyabandh, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Police Station Paylikhand (Jugaad), Gariyabandh, Chhattisgarh.

----Non-applicant

For Applicant	Shri Akash Kundu, Advocate.
For State	Shri B.L. Sahu, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

10/03/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.05/2020 registered at Police Station- Paylikhand (Jugaad), Gariyabandh, C.G. for the offence punishable under Sections 294, 326, 506 & 307 of Indian Penal Code.
2. Allegation against the present applicant by the complainant Dukhiyarin Bai is that the applicant over a trivial issue with her husband- Tijau Ram, abused him filthily and assaulted upon him by Tangiya on his neck, as a result of which her husband became unconscious and fell down. On report to the above effect being lodged by the complainant, offence under the aforesaid sections

were registered against the applicant.

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 ingredients necessary for making out a case under the aforesaid Sections are missing in this case. The applicant is in jail since 24.05.2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations made against the applicant, further considering the fact that only single assault was made by applicant upon Tijau Ram, the detention period of the applicant, who is 27 years of age, charge sheet has already been filed, the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsels 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.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 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh