

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8574 of 2021**

- Mukka Dudhi @ Mukkaram Dudhi, S/o Late Hunga Dudhi, Caste Gond, aged about 45 Years, R/o Village Maribhata (Urmopal), Police Station Chhindgarh, Tahsil Chhindgarh, District Sukma, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Chhindgarh, District Sukma Chhattisgarh.

---Non-applicant

For Applicant	Shri Praveen Dhurandhar, Advocate. '
For State	Shri Shreshta Gupta, Panel Lawyer.
For Objector	Shri K.K. Dewangan, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

16/12/2021

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.19/2021 registered at Police Station Chhindgarh, District Sukma, C.G. for the offence punishable under Section 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that in the mid-night of 30.05.2021, present applicant on account of there being previous enmity with the victim-Hidma Dudhi went to his house and assaulted upon him by sharp weapon, as a result of victim sustained injuries on his body. On report being lodged to the above effect, offence under the aforesaid section has been 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 no assault was made by the present applicant. Applicant was arrested on 07.10.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
5. Counsel for the Objector submits that victim- Hidma Dudhi and complainant- Ganga Vetti have no objection to release of the applicant on bail.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, further considering the fact that the same day injured was discharged from the hospital and no other complication was found by the doctor, no objection to release of the applicant on bail by counsel for the Objector, the detention period of the applicant, who is 45 years old, charge sheet has been filed, 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 counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail 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 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 similar offence in future.

Sd/-
Gautam Chourdiya
Judge