

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9425 of 2020

- Trishal @ Prince Dubey S/o Shri Prafull Dubey Aged About 24 Years R/o Ekta Chouck, Daldalseoni, P.S. Pandri, District- Raipur (C.G.).
---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S.- Pandri, District- Raipur (C.G.).
---- Non-Applicant/State

For Applicant	: Shri Devershi Thakur, Advocate
For Non-Applicant/State	: Ku. Ishwari Dhritlahre, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02.02.2021

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 07.10.2020 in connection with Crime No.134/2020 at Police Station- Pandri, District- Raipur (C.G.) for the offence punishable under Section 307, 34 of IPC & 25, 27 of Arms Act.
2. Case of the prosecution in brief is that on 11.09.2020 at night about 22.45 hrs. the complainant-Ravindra Rao was after dinner roaming outside his home, the applicant Prince Dubey alongwith co-accused person namely Gokul Sahu, Lakki Goswami, Suraj Choure and Ajay Gedam reached there and they were talking together during which Gokul Sahu and Suraj Choure due to previous enmity started quarreling with each other. Thereafter, Gokul Sahu with intention to kill Suraj Choure assaulted him with knife on his neck and back which got knife stuck to his back. The victim in his statement under Section 164 of Cr.P.C. recorded before Magistrate stated that after receiving knife injury he turned back, he saw the present applicant/accused also. During

investigation, on the memorandum of the applicant, the knife was seized from his possession.

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 that only on the suspicion the present applicant is roped in this case, the present applicant is an innocent person, aged about-24 years old and he is in jail since 07.10.2020, charge-sheet has already been filed, the victim has filed an affidavit before the trial Court that he has no objection to grant of bail to the applicant and that the applicant/accused has no criminal antecedents and 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 counsel for the Non-Applicant/State 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, detention period of the applicant, statement of the victim under Section 164 of CrPC, the fact that victim has filed an affidavit before trial Court that he has no objection to grant of bail to the the applicant, charge-sheet has already been filed, allegation of assault by knife is against co-accused Gokul Sahu, the present applicant 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

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

Nadim