

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9470 of 2020

1. Satan Basor S/o Sitaram Basor, Aged About 37 Years, R/o Village Champajhar, Patna, P.S. Patna, Tehsil Baikunthpur, District Koriya (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Patna, District Koriya (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Pushkar Sinha, Advocate.
For Non-Applicant/State	:	Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03/02/2021

- 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 23/09/2020 in connection with Crime No. 198/2020 registered at Police Station Patna, District Koriya (C.G.) for the offence under Sections 294, 506, 323 & 307 of IPC.
- 2) Allegation against the present applicant is that on the suspicion of shoes of the applicant's son being stolen by the family members of victim, on 11/09/2020 at 8:00 PM he assaulted the victim Brijesh Kumar Basor with axe which hit his head and blood started oozing from the injury. On report being lodged to the above effect by wife of the injured, the aforesaid offence 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. The applicant is in jail since 23/09/2020, 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 nature of dispute giving rise to the incident, that simple injury was sustained by the victim as per MLC and there is no fracture found on the skull of the injured, the detention period of the applicant, the fact that charge sheet has already been filed, applicant has no criminal antecedents as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding 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. 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 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