

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 467 of 2021**

- Ravi @ Rohit, S/o Pradeep Kalsarpe, age 28 Years, R/o Near Risali Talab, Police Station Nevai, Tehsil and District Durg, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Padmnabhpur, District Durg, Chhattisgarh.

----Non-applicant

For Applicant	Shri Topilal Barteh, Advocate.
For State	Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

01/03/2021

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.685 of 2019 registered at Police Station Padmnabhpur, Durg, C.G. for the offence punishable under Section 307, 34 of Indian Penal Code.
2. As per the prosecution case, report was lodged by the complainant alleging that on the date of incident i.e. 26.07.2019, at about 11:00 pm the applicant and the co-accused assaulted the victim Shahid with stone as a result of which he sustained injury.
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 injury sustained by the victim was simple in nature.

The applicant is in jail since 26.07.2019, conclusion of trial is likely to take some time and that co-accused namely Avtar in this case has already been granted regular bail by the co-ordinate Bench of this Court vide order dated 24.02.2020 passed in MCRC No.249 of 2020 and, therefore, the applicant be released on bail on the ground of parity.

4. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant, charge sheet has already been filed, the fact that the applicant has no criminal antecedent and that co-accused has already been granted regular bail by the co-ordinate Bench of this Court 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 the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum 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