

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8924 of 2021**

•Parjan Nayak S/o Late Shri Panwa Nayak Aged About 24 Years R/o Village Mayapur, In The Street Of Sunrise School, Ambikapur, P.S. Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh.,

---- Respondent

For Applicant	:	Shri Siddhartha Ojha, Advocate
For Respondent/State	:	Ms. Abhyunnati Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay S. Agrawal
Order On Board

20/12/2021

Heard.

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C') for grant of regular bail as he has been arrested on 01.09.2021 in connection with Crime No.103/2021 registered at Police Station Kotwali, Ambikapur, Dist. Surguja for the offence punishable under Section 307, 34 IPC.
2. As per the prosecution story, a report was lodged by the complainant, namely, Santosh Goswami on 24.01.2021 at Police Station Kotwali, Ambikapur, to the effect that on the date of incident, the victim, who is his son, was playing cricket at Mahamayapara ground along with his friends, where, all of a sudden, at 5:30 PM, the applicant along with other two accused persons, namely, Dilip and Chandan

visited the said ground and had a scuffle with the victim relating to the dispute, which occurred during the game and owing to which, the applicant assaulted the son of the complainant, namely, Karan Goswami with the stump, resulting in bleeding from his head. As a result which, he became unconscious and during investigation, the concerned Police has arrested the applicant on 01.09.2021 and recorded his memorandum statement while recovering the stump from him.

3. Learned counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the alleged crime. He further submits that the applicant has no previous criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. It is contended further that as the applicant is in jail since 01.09.2021 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

4. On the other hand, learned State counsel opposed the prayer for grant of bail. She submits further, based upon the information, that the applicant has no previous criminal antecedents.

5. I have heard learned counsel for the parties and perused the entire charge sheet carefully.

6. Having regard to the facts and circumstances of the case, considering the detention period of the applicant, who is 24 years old, the fact that the applicant has no previous criminal antecedents and that there is no likelihood of the applicant tampering with the prosecution evidence or absconding and the conclusion of the trial may take some time, without commenting anything on the merits of the case,

the bail application is allowed.

7. Accordingly, it is directed that in the event of applicant executing a personal bond in sum of Rs.1,00,000/- along with two sureties of Rs,50,000/- each to the satisfaction of the concerned trial Court, the applicant shall be released on bail on the following conditions:

(I) He shall not act in any manner, which shall be prejudicial to the fair and expeditious trial;

(II) 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/her from disclosing such facts to the Court;

(III) he shall appear before the trial Court regularly on each and every date, till disposal of the trial;

(IV) he shall not involve himself in any of the similar offence in near 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 the applicant involving himself in similar nature of offence.

Sd/-
(Sanjay S. Agrawal)
JUDGE