

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9132 of 2021

- Pravin Baghel @ Kadhi, S/o Late Gayn Singh Baghel, Aged About 21 Years, R/o Prabhat Nagar, Ward No.43, Lalbag, Thana Basantpur, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Basantpur, District Rajnandgaon (Chhattisgarh) (Thana name wrongly mentioned in order sheet)

---- Respondent

For Applicant
For Respondent

Mr. Samir Singh, Advocate
Mr. Afroj Khan, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

17/12/2021

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of regular bail, as he has been arrested in connection with Crime No.200/2021, registered at Police Station Basantpur, District Rajnandgaon for the offence punishable under Sections 294, 365, 307 & 201/34 of IPC.
2. The case of the prosecution in brief is that on 28.05.2021, motorcycle of the complainant namely Prince accidentally hit the motorcycle of the applicant, the applicant having got enraged took the complainant to an isolated area and assaulted him by knife, stick, hands and fists, thereby he committed the offence.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The applicant and the complainant are having good relationship and suddenly the said dispute has taken place between them. He further submits that from perusal of the medical report, the offence under Section 307 of IPC is not made out. The co-accused Harsh Pandya, Mithlesh Pandya and Ashish Pandya have already been granted bail by the Coordinate Bench of this Court in MCRC No.6947/2021, MCRC No.7059/2021 & MCRC No.7416/2021, respectively vide order dated 27.10.2021. The applicant is in jail since 12.08.2021 and conclusion of trial may take some time, therefore, the applicant may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of dispute giving rise to the incident, nature of injury sustained by the victim and the fact that the co-accused have already been granted bail by the Coordinate Bench of this Court, this Court finds fit that the present applicant may also be enlarged on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a

personal bond for a sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following conditions:

(I) The applicant shall furnish a coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court at the time of bail, which shall be verified from its original by the trial Court.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the same nature, otherwise the bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicant 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 or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge