

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9321 of 2021

1. Subhash Verma @ Mayank S/o Mangal Verma, Aged About 22 Years, Caste Lodhi, R/o Shankar Chowk Krishna Nagar, Supela, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Supela, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Rahil Arun Kochar, Advocate.
For Non-Applicant/State	: Mr. Adil Minhaj, Govt. Advocate.
For Objector :	: Mr. Kulesh Kumar Sahu, Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14/12/2021

- 1) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 3632/2021 was dismissed as withdrawn on 14/09/2021.
- 2) The applicant is arrested on 12/02/2021 in connection with Crime No. 126/2021 registered at Police Station Supela, District Durg (C.G.) for the offence under Sections 307/34 of Indian Penal Code and Sections 25 & 27 of the Arms Act.
- 3) Allegation against the present applicant is that in February 2021 he alongwith juvenile in conflict with law committed Maarpet with injured Nand Kishore as Nand Kishore had quarreled with his sister and during this process the applicant assaulted with knife on the stomach, back and right side waist on Nand Kishore with intention to commit his murder. The juvenile in conflict with law also assaulted Nand Kishore with a plastic pipe.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that there is no apprehension of the applicant tampering with the evidence or absconding. He also submits that charge sheet has already been filed and the applicant is in jail since 12/02/2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) Victim Nand Kishore is present in person alongwith his Counsel Mr. Kulesh Kumar Sahu and they have no objection to release of the applicant on bail.
- 7) I have heard learned Counsel for the parties
- 8) Considering the facts and circumstances of the case, the detention period of the applicant who is 22 years old, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- 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,
 - 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
 - v. he shall not involve himself in any offence of similar nature

in 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 applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant