

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9676 of 2021**

- Dashrath Banjare, S/o Kashiram Banjare, aged about 26 Years, R/o Satnamipara, Sanjay Nagar, Police Station- Tikrapara, Raipur, Tehsil and District- Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station- Tikrapara, District- Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri Pushkar Sinha, Advocate.
For State	Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

14/12/2021

1. Earlier the applicant had filed MCRC No.6173 of 2021 which was dismissed as withdrawn by this Court vide order dated 15.09.2021.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.220/2021 registered at Police Station Tikrapara, District Raipur, C.G. for the offence punishable under Section 307 of Indian Penal Code.
3. Allegation against the present applicant is that on 06.07.2021 applicant went to the house of victim Sachin Suryavanshi and demanded liquor and when victim refused to give liquor, applicant assaulted upon him by knife, as a result of which victim sustained injuries on his body. On report to the above effect being lodged by the

complainant, offence under the aforesaid section was registered against the applicant.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission of any offence as alleged against him. He is in custody since 07.07.2021, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has two criminal antecedents bearing Crime No. 758 of 2014 for the offence under Sections 294, 506, 323, 34 of Indian Penal Code and Crime No.321 of 2019 for the offence under Section 13 of the Gambling Act.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, further considering the depositions of PW-1 Victim and PW-2 Kushu Suryavanshi, victim has also sworn an affidavit before the Oath Commissioner/Notary vide Annexure A-2 wherein he has raised no objection to release of the applicant on bail, charge sheet has been filed, the detention period of the applicant, who is 26 years old 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 commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application

is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

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

Akhilesh