

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9998 of 2021**

Karan Mahobiya S/o Late Lokchand Mahobiya, aged about 20 years R/o Station Para, Solah Kholi, Out Post Chikhali, Police Station City Kotwali, Rajnandgaon, Tahsil and District Rajnandgaon (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police of Police Station City Kotwali Rajnandgaon, District Rajnandgaon (C.G.).

---- Respondent

For Applicant	:	Mr. Pramod Ramteke, Advocate
For Respondent	:	Mr. Bhupendra Banjare, PL

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

16/12/2021

Heard.

1. The applicant has preferred this second bail application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 411/2021 registered at Police Station- City Kotwali, District Rajnandgaon (C.G.) for the offence punishable under Sections 294, 323, 327, 506, 34, 324, 325 of the IPC and Section 25 of the Arms Act.
2. First bail application of the applicant was dismissed vide order dated 25/10/2021 passed in MCRC No. 7809/2021 by this Court reserving a liberty in favour of the applicant to revive the same after filing of the charge-sheet.
3. Case of the prosecution in brief is that Complainant Love Kumar (henceforth 'the Complainant') was going to his house on his motorcycle on 17/07/2021. At about

10:30, he stopped near a Railway Fatak and went for pee. Thereafter, he saw a motorcycle seated by three persons coming behind him. The accused persons asked him for money for liquor and when the complainant refused to give, they abused him. One of the accused person assaulted the complainant on his leg by a knife. Another accused person assaulted the Complainant by a rod and the present applicant assaulted the Complainant by hands and fists.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further submits that while rejecting the first bail application this Court had reserved a liberty in favour of the applicant to revive the bail application after filing of the charge-sheet. Now the charge-sheet has been filed. The applicant is in jail since 28/09/2021 and trial is likely to take some time, therefore, he prays to release the applicant on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, particularly the fact that the applicant is in jail since 28/09/2021, the offence is triable by JMFC, charge-sheet has been filed and conclusion of trial is likely to take some time, without further commenting on other merits of the case, this Court deem it fit to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 5000/- with one surety of the like sum to the satisfaction of the trial Court on 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 the disposal of the trial;
- iv. he shall not involve himself in any offence of similar nature in future;
- v. while furnishing the bail bonds, the applicant and the person who stand surety shall submit their Aadhar Cards and full-sized colored postcard size photographs mentioning their Aadhar numbers on the same before the trial Court who shall verify the same.

Sd/-
(Deepak Kumar Tiwari)
Judge