

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3528 of 2021**

- Amit Kumar Sharma, S/o Late Ved Prakash Sharma, aged about 25 Years, Resident of Hikmi Para Ramaiya Ward No. 17, Asana Tamakoni Jagdalpur, Police Station Kotwali, District Bastar, Chhattisgarh.

**----Applicant****Versus**

- State of Chhattisgarh, Through the Police Station Kotwali, District Bastar, Chhattisgarh.

**----Non-applicant**


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For Applicant	Mr. Pravin Kumar Tulsyan, Advocate.
For State	Ms. Deepti Shukla, Panel Lawyer.

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**30/07/2021**

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.10/2019 registered at Police Station Kotwali, District Bastar, C.G. for the offence punishable under Sections 294, 323, 506-B and 307 of Indian Penal Code.
3. Allegation against the present applicant is that he over a trivial issue with complainant, committed *marpeet* with him and also assaulted upon him by knife, as a result of which complainant 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 arising out of the present incident, a counter report has been lodged against the complainant bearing Crime No.09/2019, applicant is languishing in jail since 09.03.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, further considering the fact that both the parties lodged the complaint against each other, the nature of injury allegedly caused by the applicant, the injured remained hospitalized only for one day, the detention period of the applicant, who is 25 years old, charge sheet has been filed, the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the 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.
- (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

Akhilesh