

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4921 of 2021

- Anil Goswami, S/o. Lochan Bharti Goswami (wrongly mentioned as Lochan Bharti in the impuned order) Aged about 24 years, R/o. Village- Patharra, P.S. Kota, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station – Kota, District : Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Sourabh Dangi, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

31.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 11.06.2021 in connection with Crime No. 331/2021 registered at Police Station- Kota, District- Bilaspur (C.G.) for the offence punishable under Sections 307 & 34 of IPC.
- 2) Allegation against the applicant is that he alongwith other co-accused persons with intent to commit murder of the complainant assaulted with iron bangle (चुडा), knife and club on his vital part neck & back as a result of which the complainant/victim sustained injuries. When one Shubham Goswami intervened, he was also assaulted by the accused persons with knife, as a result of which he too sustained injuries on abdomen & head.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that allegation against present applicant is that he assaulted with iron bangle on one Shubham Goswami who sustained simple injuries. The co-accused persons namely Devendra Goswami & Lalita Goswami have assaulted the complainant- Bhanupratap with knife & club. It is also submitted that co-accused Lalita Goshwami who is mother of the accused Devendra Goswami has already been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated **24.08.2021** in **MCRCA No. 927 of 2021**. The present applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 11.06.2021 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has assaulted the complainant alongwith other persons with knife, club & iron bangle as a result of which the complainant victim sustained injuries. However, the present applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, the main accused Devendra called the victim Bhanupratap and assaulted him on his vital part neck with knife three times and victim- Bhanupratap sustained three incized wounds on his vital part neck, only allegation against the present applicant is that he assaulted injured Shubham Goswami with iron bangle and injured Shubham sustained simple injuries- abrasion, contusion and no any serious injury sustained by him, the detention period of the applicant, who is 24 years old and the fact that the co-accused Lalita Goshwami who is mother of the accused Devendra

Goswami has already been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated **24.08.2021** in **MCRCA No. 927 of 2021**, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.

6) 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/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, 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, 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