



2024:CGHC:46130

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7163 of 2024

Soman Das @ Sonu Aadil S/o Patiram Aadil, Aged About 22 Years, R/o Village- Patewa, P.S.-Gobra Nawapara, District- Raipur, Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through Station House Officer, Police Station Gobra, Nawapara, District- Raipur (C.G.)

... Non-Applicant

For Applicant : Mr. Rekhraj Baghel, Advocate.

For Non-Applicant/State : Ms. Monika Thakur, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

25/11/2024

- 1 The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 386/2024, registered at Police Station – Gobra, Nawapara, District- Raipur (C.G.) for the offence punishable under Sections 296, 351(2), 115(2) and 119(1) of Bharatiya Nyaya Sanhita, 2023.

- 2 The case of the prosecution, in brief, is that the complainant has made complaint to the concerned Police Station alleging that at the time of incident, there was simple dispute arose between the applicant and injuries with regard of money demanding for consuming liquor and when the complainant has refused to give money, then applicant has committed marpit with him. Based upon which the aforesaid offences is registered against the applicant.
- 3 It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. He further submitted that at the time of incident, there was simple dispute arose between the parties for purpose of consuming liquor and the applicant has neither assaulted the injured person, nor committed any aforesaid as alleged by the prosecution. He further submitted that the injured person have received injury which is committed by the other accused person not by the present applicant, only on the basis of merely suspicious, the applicant has been falsely implicated and the injured person who received injury is simple in nature and not in grievous injury. He later submits that the applicant has no previous criminal antecedents, charge-sheet has been filed and the applicant is in jail since 14.09.2024 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.
- 4 On the other hand, the learned State counsel opposed the bail application and submitted that the charge-sheet has been filed in

the present case. She further submitted that the dispute arose between the applicant and injured person for purpose of consuming liquor and when the complainant has refused to give money, then applicant has committed marpit with him. Hence, he is not entitled to be released on bail.

- 5 I have heard learned counsel for the parties and perused the documents available on record.
- 6 Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the injuries sustained by the injured person is simple in nature and further, the applicant has no previous criminal antecedents, the charge-sheet has been filed and he is in jail since 14.09.2024 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
- 7 Accordingly, the bail application is **allowed**. Let the applicant - **Soman Das @ Sonu Aadil**, involved in Crime No. 386/2024, registered at Police Station – Gobra, Nawapara, District- Raipur (C.G.) for the offence punishable under Sections 296, 351(2), 115(2) and 119(1) of Bharatiya Nyaya Sanhita, 2023, be released on bail on his furnishing a personal bond with **two sureties** in the like sum to the satisfaction of the court concerned with the following conditions:-

- (i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on

the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of

BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against his in accordance with law.

- 8 Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

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