

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9883 of 2018**

1. Arvind Tiwari, son of Prahlad Tiwari, aged about 37 years.
 2. Vinit Kumar Tiwari, son of Prahlad Tiwari, aged about 33 years.
 3. Amit Tiwari, son of Prahlad Tiwari, aged about 30 years.
- All are resident of near Radhakrishna Mandir, Godripara, Police Station & Tahsil Chirmiri, District Koriya (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Chirmiri,
District Koriya (CG).

---- Non-applicant

For Applicants	: Mr. D.N. Prajapati, Advocate.
For Non-applicant	: Mr. I. Lakra, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.266/2018 registered at Police Station Chirmiri, District Koriya for the offence punishable under Sections 294, 506, 323, 325, 307 of IPC and Sections 25 & 27 of Arms Act.
3. Case of the prosecution, in brief is that on 20.10.2018 at about 4.30 p.m. at Sanichari Bazar Godripara, a dispute was arisen between the complainants- Amarjeet Prasad Gupta and Rahul Gupta with applicant No.1-Arvind Tiwari due to parking the motorcycle. Applicant No.1-Arvind Tiwari went to his house and came along with sword, applicant No.2-Vinit Kumar Tiwari and applicant No.3-Amit Tiwari. The present applicants abused the said complainants and gave threat to kill them. Applicant No.1-Arvind Tiwari was ready to beat to the said complainants with sword. Both the said complainants received injuries on their body. As per MLC report of Rahul Gupta, one linear contusion, diffuse tenderness over the chest, abrasion in front of neck were found on his body. Injuries were found simple in nature. As per MLC report of complainant Amarjeet Prasad Gupta, one abrasion, pain swelling injuries were found on his body. Fracture on ring finger of right hand was also found on the body of the

complainant Amarjeet Prasad Gupta.

4. Counsel for the applicants submits that the applicants have not committed any offence. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants. However, he submits that no criminal antecedent reported against the applicants in police case diary.
6. As per compromise application, which is a part of bail application, the matter has been compromised between the applicants and the said complainants. The said complainants have no objection on releasing the applicants on bail.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Accordingly, the bail application is allowed.
8. It is directed that if the applicants furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they will not involve any such type of crime in future.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-