

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1936 of 2020**

1. Ramesh Jaiswal S/o Punit Jaiswal, aged about 38 years.
2. Dushayant Jaiswal S/o Kumar Jaiswal, aged about 24 years,
Both R/o village Jara, P.S. Palari, District Balodabazar -
Bhatapara (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police
Station Suhela, District Balodabazar – Bhatapara (C.G.)

---- Respondent

For Applicant	:	Smt. Shivali Dubey, Adv.
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****11/06/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.10/2020, registered at Police Station – Suhela, District Balodabazar – Bhatapara (C.G.) for the offence punishable under Sections 294, 323, 506, 307, 34 IPC.
2. The prosecution story, in brief, is that complainant Vinay Chaturvedi made a complaint at police station Suhela alleging therein that on 10.01.2020, the applicants had put his sweet cart in the Madai exhibition where the complainant had gone. The complainant went to the cart of applicants to purchase sweet (Jalebi) but the applicants instead of giving sweet to him first, gave it to another customer and because of this quarrel took place in which the applicants and other accused persons assaulted the complainant. During quarrel, when Ajay Chaturvedi, brother of Vinay Chaturvedi, tried to

pacify the dispute, he too was assaulted by applicant Ramesh and his family members resulting injuries on his head, hands, chest and face. Based on this, offence has been registered. The present applicants have been taken into custody on 15.02.2020.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. She further submits that at the injuries sustained by injured are simple in nature and in the medical report also it has been mentioned that the smell of alcohol was coming from the mouth of complainant. She also submits that the allegations levelled against the applicants prima-facie do not constitute any offence much less the offence as alleged. It is next submitted that the applicants are in custody since 15.02.2020, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of injury sustained by the injured and further considering the fact that the applicants are in custody since 15.02.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed, till the disposal of trial.
9. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished

in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde