

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4118 of 2020

- Vikrant Chandrakar @ Vikky, S/o Basant Chandrakar, Aged about 22 years, R/o Village Konari, Police Station Pulgaon, Tahsil & District Durg, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station Pulgaon, District Durg, Chhattisgarh.

---- **Respondent**withMCRC No. 3977 of 2020

- Jai Thakur S/o Lakhan Thakur, Aged about 20 years, R/o Block No. 49, Bambay Awas, Urla, P.S.- Mohan Nagar, District- Durg, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh Through District Magistrate District- Durg, Chhattisgarh. ---- **Respondent**

withMCRC No. 3714 of 2020

- Om Joshi @ Bhuru S/o Hemlal Joshi, Aged about 22 years, R/o- Milpara, Near Bijali Office, Village Anda, Thana- Anda, District Durg, Chhattisgarh ---- **Applicant**

Versus

- State of Chhattisgarh Through- District Magistrate, District Durg, Chhattisgarh ---- **Respondent**

withMCRC No. 3729 of 2020

- Mukesh Chouhan @ Cheera S/o Harendra Chouhan Aged about 22 years, R/o Block No. 46, House No. S-1, Bombay Aavas Urla, Thana Mohan Nagar, Durg, Tehsil and District Durg Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh. ---- **Respondent**

For Applicants : Mr. Vijay Kumar Sahu, Advocate.
 For Respondents/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

05.08.2020

- The accused/applicants have moved their first bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 44/2020 registered at Chowki Anjora, Police Station- Pulgaon, District Durg (C.G.) for the offence punishable under Sections 147, 148, 149, 307, 397 and 120-B/34 of the Indian Penal Code, 1860.
- According to the prosecution story, on 31.01.2020, the complainant Somesh Vaishnav has made complaint before the Police Station- Pulgaon that his elder brother who is running the break fast shop situated near country made liquor wine shop and also further stated that the present applicant along with other co-accused due to some dispute has assaulted on his elder brother, in which his elder brother has received injuries and after this police has lodged FIR against the present person involved in this case, the present applicant and other co-accused persons have been arrested for the aforesaid offence under Sections 147, 148, 149, 307, 397 and 120-B of the IPC.
- Learned counsel for the applicants submits that present applicants are innocent person who have been falsely implicated in the aforesaid case and present applicants were not involved the committing the aforesaid offence as alleged against them and they have not made any active participation in the crime. He next contended that applicants are in jail since 19.04.2020, 06.02.2020 and 01.02.2020 and 01.02.2020 respectively, therefore, they may be granted bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, as trial is likely to take some time, without further

commenting on merits of the case, I am inclined to release them on bail.

- Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- each, with one local surety for the like amount to the satisfaction of the concerned Court for their appearance before the said Court as and when directed, the applicants shall be released on bail, subject to following conditions:-
- That, the applicants shall furnish a specific undertaking that while on bail, they will not commit any criminal offence otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants 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/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
(Rajani Dubey)
Judge

Vasant