

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6230 of 2020

1. G. Sudhakar S/o Mr. G. Vinod, Age 23 years
2. A. Amit S/o A. Kumar, Age 22 years

Both residents of Subhash Nagar, Near Kali Badi Mandir, Khursipar Bhilai,
District Durg (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through SHO, P.S. Khursipar, District Durg (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Aman Pandey, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

03.12.2020

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 27.06.2020 in connection with Crime No. 420/2020 registered in Police Station – Khursipar, District Durg (CG) for the offence punishable under Sections 458, 294, 506 & 323/34 of IPC and Sections 25 & 27 of the Arms Act.
2. Case of the prosecution in brief is that on 27.06.2020 at about 08:20 pm, altercation took place between the injured/complainant and the applicants/accused person over 'Momos'. It is alleged that the accused persons assaulted the injured and after the intervention of the eyewitnesses, the injured was saved and he went to his home. It is further alleged that after the injured went back to his home, the accused persons entered his home and assaulted him with stick.
3. Learned counsel for the applicants submits that the applicants are innocent

persons and have been falsely implicated in this case. He submits that the applicants are in jail since 27.06.2020, charge-sheet has already been filed and there is every likelihood the trial Court will take some time for conclusion, therefore, the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, looking to the injury found on the body of the injured/complainant, the detention period of the applicants, they have no criminal antecedents as admitted by both the counsel, the fact that the offence is triable by Magistrate, charge-sheet has already been filed and the trial Court is likely to take some time for its conclusion, the application is allowed.
6. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-
 - (i) They 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) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - (iv) They shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge