

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6324 of 2020

1. Amar Singh Dhurve, son of Lal Singh Dhurve, aged about 20 years
 2. Ghanshyam Dhurve, son of Kartik Ram, aged about 21 years
- Both residents of Village Saraisat, Police Station Pandaria, District Kabirdham (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Pandaria, District Kabirdham (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Soumya Rai, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

04.12.2020

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 25.08.2020 in connection with Crime No. 135/2020 registered in Police Station – Pandaria, District Kabirdham (CG) for the offence punishable under Sections 3 & 4 of the Prevention of Damage to Public Property Act, 1984 and Section 138 (1) (b) of the Electricity Act, 2003.
2. Case of the prosecution in brief is that on 15.07.2020 at about 08:00 pm, the applicants have thrown stones on the Electric Transformer erected near Mandalpara Talab thereby causing damage to it which resulted in burning of cable wire, valuing at Rs.93,000/-. The incident was witnessed by the villagers.
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 25.08.2020, charge-sheet has already been filed and there is every likelihood that 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 young age of the applicants i.e. 20-21 years, 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 Special Judge, 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