

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6970 of 2020

1. Vishvjeet Haaldar S/o Late Shukhranjan Haaldar Aged About 32 Years.
 2. Tarun Haaldar S/o Vijay Haaldar Aged About 26 Years.
- Both are R/o. Krishannagar, Thana and Tahsil -Balrampur, District - Balrampur Ramanujganj (Chhattisgarh).

---- Applicants

Versus

State of Chhattisgarh Through Police Chouki Ganeshmod, Police Station Balrampur, District Balrampur -Ramanujganj, Chhattisgarh.

--- Respondents

For Applicants	: Mr. A. K. Yadav, Advocate with Mr. S. S. Rathore, Advocate.
For Respondent-state	: Mr. Ashish Tiwari, Advocate.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

14/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.154/2020, registered at Police Station – Balrampur, District –Balrampur Ramanujganj, (C.G), for the offence under Sections 294, 506, 323, 450, 394 of the Indian Penal Code, 1860.
2. Case of the prosecution is that on 08.09.2020 at about 8:30 A.M, present applicants entered the house of complainant/Shankar Vishvas and assaulted him on the pretext that complainant has talked on mobile with the wife of applicant No.1/Vishvjeet Haaldar. They also took Samsung Mobile of complainant with them.
3. Learned counsel for the applicants submits that dispute took place between applicants and complainant on the pretext of some secret talk between complainant and wife of applicant No.1 on Mobile. Applicants have not committed any offence as alleged against them. Applicants are not having any criminal antecedent and they are in jail since 10.09.2020. The learned counsel further submits that complainant has filed an affidavit before the Court below to

the effect that dispute between them has been amicably resolved. Hence, applicants may be released on bail.

4. Learned counsel for the State opposes the bail application and submits that applicants in the day light entered the house of complainant, assaulted him and also snatched his Samsung Mobile, which was seized from the possession of applicant No.1. Hence, they are not entitled for grant of bail.
5. Heard learned counsel for both the parties and perused the case diary.
6. Taking into consideration the nature of allegation levelled against applicants, cause of incident as discernible from the bail rejection order, material available in case diary that applicants suspect some secret talk between complainant and wife of applicant No.1, applicants are not having any criminal history and they are in jail since 10.09.2020, I am inclined to allow the bail application of applicants.
7. Accordingly, the bail application is allowed. It is directed that the applicants be released on regular bail, on their furnishing a bail bond in the sum of Rs.10,000/- each one with surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-