

M.Cr.C. No. 387 of 2021 & M.Cr.C. No. 1055 of 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 387 of 2021

- Deepak Patel S/o Nirakar Patel, Aged about 23 years, R/o Village Taragarh, Tehsil & Thana Lailunga, District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through Police Station – Gharghoda, District Raigarh (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 1055 of 2021

- Narendra Bansada S/o Dharam Lal Bansada, aged about 34 years, Caste – Ghasiya, R/o Adarsh Nagar, Chamda Godam, Raigarh, Tahsil & District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, Police Station Gharghoda, District Raigarh (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Sanjay Agrawal and Shri Tarun Dansena, Advocates
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

10.03.2021

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 260/2020 registered in Police Station- Gharghoda, District Raigarh (CG) for the offence punishable under Sections 307 & 395 of IPC, they are being disposed of by this common order.
2. Case of the prosecution in brief is that on 04.11.2020 complainant Lal Kumar alongwith his friend namely Ankit Pandey went to the Court for furnishing the bail of his brother and at about 02:30 pm in front of the Court, the present applicants and other co-accused persons came there with a weapon in a Bolero Vehicle, started assaulting the complainant and his friend Ankit

Pandey by hands and fists. It is also alleged that the applicants and other co-accused persons looted cash and mobile phone from Ankit Pandey and they also took him in Bolero Vehicle and dropped him near Village Jhariyapali.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 05.11.2020 & 18.11.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation made against the applicants, the nature of injuries sustained by the injured, the detention period of the applicants who are 23 & 34 years old, charge-sheet has already been filed and conclusion of the trial is likely to take some time, and the applicants have no criminal antecedents as admitted by the counsel for the parties, there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the applications are 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.

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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.

7. In the result, M.Cr.C. No. 387 of 2021 and M.Cr.C. No. 1055 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

vatti