

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 308 of 2021

1. Ashish Soni, S/o Ajay Soni, Aged About 21 Years, R/o At Near Gopal Mandir, Baigapara, Durg, P.S. City Kotwali, Teh and District- Durg (C.G.).
 2. Ajay Soni, S/o Late Kapileshwar Soni, Aged About 50 Years, R/o At Near Gopal Mandir, Baigapara, Durg, P.S. City Kotwali, Teh and District- Durg (C.G.).
- Applicants**

Versus

- State Of Chhattisgarh, Through: Police Station- City Kotwali, District- Durg (C.G.).
- Non-Applicant/State**

For Applicants	:	Shri H.A.P.S. Bhatia, Advocate
For Non-Applicant/State	:	Shri Vaibhav Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 15.11.2020 in connection with Crime No. 817/2020, at Police Station- City Kotwali, District- Durg (C.G.) for the offence punishable under Section 452, 294, 506, 323, 34 of I.P.C.
2. Case of the prosecution, in brief, is that on 15.11.2020 at about 2.00 p.m. the complainant Prakash Bunker alongwith his wife returning from Baigapara after watching Gaura-Gauri when they reached near their home i.e. Gowardhan Chowk, the applicant No.1 who was already standing there started commenting about daughter of the complainant party in front of them, thereafter applicant No.1 and applicant No.2 went to the house of the complainant party and started abusing filthily, gave threat of life, assaulted the complainant with hands and fists, as a result of which the complainant's hand got fractured. On report being

lodged to the above effect, offence under aforesaid Sections have been registered against the present applicants.

3. Learned counsel for the applicant submits that the allegations against the applicants are false and fabricated. He further submits that the applicant No.1 and the daughter of the complainant having friendly relation, they were holding talks through video-calls and they used to meet together, the photographs of the applicant No.1 and the daughter of the complainant is annexed herewith as Annexure A/2, the applicant No.2 father of the applicant No.1 had filed the written complaint before the Superintendent of Police,Durg on 20.08.2020 (Annexure-A/3) about threat of falsely implication against him as well as against of his son (applicant No.1). The applicants are in jail since 15.11.2020. Applicant No.1 has criminal antecedents but applicant No.2 has no criminal antecedents, charge-sheet has been filed, there is no likelihood of the applicants tempering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the applicant No.1 has one criminal antecedents however, applicant No.2 has no criminal antecedents and charge-sheet has been filed.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation , detention period of the applicants, no witnesses have been examined, applicant no.1 has one criminal antecedent but applicant No.2 has no criminal antecedents, there is no likelihood of the applicants tempering with the prosecution evidence or absconding as admitted by both the counsel, charge-sheet has been filed, conclusion of the trial is likely to take some time, therefore, 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 following conditions:-

(a) 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.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) 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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim