

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 159 of 2021**

1. Santu @ Sant Kumar Tiwari & Anr. S/o Manoj Kumar Tiwari
Aged About 21 Years R/o Keshwarwani Gali Imalipara P. S. Civil
Line Bilaspur District Bilaspur Chhattisgarh.
2. Pradeep Kashyap S/o Ramesh Kashyap Aged About 23 Years
R/o Link Road Imalipara P. S. Tarbahar, Bilaspur District
Bilaspur Chhattisgarh. **---- Applicants**

Versus

- State Of Chhattisgarh Through The Police Station Civil Line
Bilaspur District Bilaspur Chhattisgarh. **---- Respondent**

For Applicants : Shri Pravin Kumar Tulsyan, Advocate
For Respondent/State : Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****15.01.2021**

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 23.11.2020 in connection with Crime No. 854/2020, at Police Station-Civil line, District-Bilaspur (C.G.) for the offence punishable under Section 327, 294, 506, 323, 34 of Indian Penal Code.
2. The allegation against the applicants is that on 22.11.2020 at night about 22.45 Hrs complainant namely Ayush Sharma was playing badminton alongwith his brothers namely Rohit Sharma and Vinay Sharma near Kashyap Badi. The present applicants/accused along with co-accused persons namely Nikhil Kashyap and Bhupendra @ Lalla Kaushik came there, demanded money for liquor and on refusal by the complainant, the applicants along with co-accused persons started abusing

them filthily, assaulted the complainant party by hands, fists and club, as a result of which, the complainant party received injuries on several parts of the body.

3. Learned counsel for the applicants submit that the allegations against the applicants are false and fabricated, they are falsely implicated in the case. He submits that injuries sustained by the complainant are simple in nature and that the applicants/accused are aged about 21 and 23 years and the applicant namely Pradeep Kashyap has no criminal antecedents, conclusion of the trial is likely to take some time, therefore, at this stage, applicants may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the applicant No.02 namely Pradeep Kashyap has no criminal antecedents, however, applicant No.01 namely Santu @ Sant Kumar has criminal antecedents under Sections 294, 506, 323, 34 in Crime Nos. 626/2014 and 701/2017.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and looking to the injury sustained by the complainant i.e. simple, detention period of the applicant and the fact that the applicants are young offenders and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event each of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he 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 them 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.

Sd/-
(Gautam Chourdiya)
Judge

Nadim