

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 110 of 2021

1. Rohit S/o Firan Das Barle, Aged About 41 Years, R/o Village Danganiya (Rakhi), Police Station Saja, Tahsil Berla, District Bemetara (C.G.).
2. Rajkumar Barle S/o Firan Das Barle, Aged About 36 Years, R/o Village Danganiya (Rakhi), Police Station Saja, Tahsil Berla, District Bemetara (C.G.).
3. Neelu @ Hariom Jaat S/o Dharampal Jaat, Aged About 39 Years, R/o Village Khapri, Chowki Devkar, Police Station Saja, Tahsil Berla, District Bemetara (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through S.H.O., Chowki Devkar, Police Station Saja, District Bemetara (C.G.).

---- Non-Applicant

For Applicants : Mr. Vaibhav A. Goverdhan, Advocate.
For Respondent/State : Ms. Shobha Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

15/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 26/12/2020 in connection with Crime No. 527/2020 registered at Police Station Saja, Tahsil Berla, District Bemetara (C.G.) for the offence under Sections 186, 353, 427/34 of IPC.
- 2) Case of the prosecution, in brief is that on 24/12/2020 Naib Tehsildar of Berla Shri R.K. Kurre informed the Police of Police Chowki Devkar that some persons are illegally excavating sand from Shivnath River and transporting the same through Tractor.

On this Police party as well as the Naib Tehsildar Shri R.K. Kurre reached the spot. Seeing them the applicants started threatening them, caused hindrance in the official duties, damaged the Car of Naib Tahsildar bearing No. CG08 AE 4837 as also the Car of one journalist Umashankar Diwakar. On report being lodged to the above effect, the aforesaid offence has been registered against the applicants.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 26/12/2020 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 respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicants, the fact that the applicants have no criminal antecedents and there is no apprehension of their absconding or tampering with the evidence as admitted by the counsel for the parties and that conclusion of trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is **allowed**. It is directed that in the event of **each** of the applicants 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 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.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant