

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 141 of 2021

1. Ajit S/o Ramkumar, Aged About 22 Years
2. Basant, S/o Ganesh Dhuri, Aged About 37 Years
3. Kushal Dhuri, S/o Ramkumar Dhuri, Aged About 38 Years
4. Ankit S/o Satish Dhuri, Aged About 21 Years

All applicants R/o Village Dhuripara, Chulghat Road, Police Station Takhatpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Tarun Dansena, Advocate
For Non-Applicant/State	:	Shri Vaibhav Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya, J
Order On Board

26/02/2021

1. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 16.12.2020 in connection with Crime No.364/2020, registered at Police Station- Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 147, 148, 149, 294, 506-B, 323, 324 & 307 of the IPC.
2. Case of the prosecution is that the complainant has lodged a report that on 27.11.2020, at 11.45 am, the applicants were digging a sewer near his field and on resisting, they assaulted his daughter and when they intervened, they abused and assaulted him and his wife with tangia and danda due to which they sustained injuries.

The complainant has received depressed fracture of left posterior parietal bone.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that the applicants and the complainant are resident of same village and the applicants were digging sewer in their field for drainage of water and on account of that a dispute had taken place and the incident took place. He submits that the applicants have also filed a counter case vide Crime No.365/2020, at Police Station- Takhatpur against the complainant and the complainant was admitted to hospital only for 6 days and he sustained simple injuries. He submits that as the applicants have been arrested on 16.12.2020, charge sheet has been filed and trial is likely to take some time for its final disposal, therefore, the applicants be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He submits that on account of dispute between the parties regarding digging of sewer in the field, both the parties have lodged report against each other. However, he submits that there is no criminal antecedent against the applicants.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and considering the age and detention period of the applicants; the dispute arose on account of digging of sewer in the field and both the parties have sustained injuries in the quarrel and a counter case was also filed; the complainant was discharged from the hospital after 6 days; no criminal antecedents are reported and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
6. It is directed that in the event of the 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, they shall be released on bail, on the 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/

(Gautam Chourdiya)
Judge

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