

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 546 of 2021**

1. Sumit Singh Thakur S/o Ramayan Singh Thakur, Aged about 26 years
2. Vikas Singh Thakur S/o Dular Singh Thakur, aged about 22 years
3. Motu @ Kishan Singh Thakur S/o Ramayan Singh Thakur, Aged about 20 years

Applicant No. 1 to 3 R/o Village – Beeja, Takhatpur, Police Station and Tahsil – Takhatpur, Civil and Revenue District – Bilaspur (C.G.)

4. Rakesh Yadav S/o Shyamu Yadav, Aged about 31 years, R/o Village – Beeja, Takhatpur, Police Station and Tahsil – Takhatpur, Civil and Revenue District – Bilaspur (C.G.), Present R/o Indrapuri, Near K.D. Public School Tifra, Police Station – Civil Line Bilaspur, Civil and Revenue District Bilaspur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Takhatpur, Civil and Revenue District Bilaspur (C.G.)

---- State/Non-applicant

And**M.Cr.C. No. 790 of 2021**

- Jhaleshwar Singh, Son of Dular Singh, Aged about 31 years, R/o Village Bija, Takhatpur, Police Station and Tahsil Takhatpur, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer of Police Station Takhatpur, District Bilaspur (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Devesh G. Kela, Advocate appear in M.Cr.C. No. 546 of 2021
For Applicant	:	Shri Praveen Shrivastava, Advocate appears in M.Cr.C. No. 790 of 2021
For Non-Applicant/State	:	Shri Vilesh Bajpai, Government Advocate appears in both the applications
For Complainant/Objector	:	Shri Pawan Kumar Kashyap, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****09.04.2021**

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 number i.e. 303/2020 registered in Police Station- Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 294, 323, 506, 307, 147 & 148 read with Section 34 of IPC and Sections 25 & 27 of Arms Act, they are being disposed of by this common order.

2. Case of the prosecution is that complainant Khorbahara Yadav lodged a report alleging that on 10.10.2020 at about 07:30 pm, the applicants and other co-accused persons assaulted Seeta Bai and other persons. It is also alleged that accused persons also lodged the counter F.I.R. against the complainant party which was registered as Crime No. 299/2020 in the same police station.
3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime. They submit that applicants also lodged the counter F.I.R. against the complainant party. They also submit that applicants are languishing in jail since 24.12.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Learned counsel for the complainant has no objection to grant of bail to the applicants by this Court.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that there is counter case also registered against the complainant party, the detention period of applicants who are 26, 22, 20, 31 & 31 years old, charge-sheet has already been filed, conclusion of the trial may take some time, they have no criminal antecedents as admitted by 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, both the bail applications are allowed.

7. It is directed that in the event of each of 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:-

- 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

8. In the result, M.Cr.C. No. 546 of 2021 and M.Cr.C. No. 790 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge