

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1482 of 2021

1. Nogendra @ Nogu Sahu S/o Late Narottam Sahu, Aged About 21 Years, R/o Village Potiyadih, Police Station Arjuni, Tehsil And District Dhamtari (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Arjuni, District Dhamtari (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. Alok Nigam, Govt. Advocate.

MCRC No. 352 of 2021

1. Nitish Dhruv S/o Late Dhananjai Dhruv, Aged About 20 Years, R/o Village Potiyadih, Tehsil And District Dhamtari (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh Through Police Station Arjuni, District Dhamtari (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. Alok Nigam, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

07/04/2021

- 1) Heard.
- 2) As both theses applications arise out of the same crime number they are being disposed of by this common order.

- 3) Applicants have filed First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicant Nogendra @ Nogu Sahu & Nitish Dhruv are in jail since 15/11/2020 & 16/11/2020 respectively in connection with Crime No. 455/2020, registered at Police Station Arjuni, District Dhamtari (C.G.) for the offence under Sections 294, 323, 307 & 506/34 of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that on 15/11/2020 at around 11:30 AM when the villagers were celebrating *Gowra Gowri*, the applicants herein were roaming there with blade. When the complainant Kishan Lal Sahu objected to it, they abused them filthily, threatened him of killing and applicant Nogendra @ Nogu Sahu assaulted with blade on his neck and near ear. It is alleged that while applicant Nogendra @ Nogu Sahu was assaulting on the complainant, the applicant Nitish Dhruv had caught hold of the complainant.
- 5) Learned counsel for the applicants in both the applications submits that the applicants are innocent persons and have been falsely implicated in this case. The applicants are in jail since 15/11/2020 & 16/11/2020 respectively and charge sheet has already been filed and conclusion of trial is likely to take some time for its disposal. He submits that applicants have no criminal antecedents. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail applications. He submits that the applicants have no criminal antecedents.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the detention period of the applicants who are 21 & 20 years old, charge sheet has already been filed and the fact that the applicants are young offender having no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or

absconding as admitted by both the counsel, and that conclusion of trial may take some time, the applications are **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, 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.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant