

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 379 of 2021

1. Narayan son of Girdhari Sahu, aged about 48 years
2. Loknath son of Narayan Sahu, aged about 28 years
3. Devnath son of Narayan Sahu, aged about 23 years

All R/o Village Gagori, Police Station Sarsiwa, Balodabazar, District Balodabazar-Bhatapara (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police of Police Station Sarsiwa, District Balodabazar-Bhatapara (C.G.)

---- State/Non-applicant

For Applicants : Shri Anil Gulati, Advocate

For Non-Applicant/State : Shri Amit Singh Chouhan, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

23.02.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 30.12.2020 in connection with Crime No. 366/2020 registered in Police Station- Sarsiwa, District Balodabazar-Bhatapara (CG) for the offence punishable under Sections 294, 323, 325, 506 & 307 read with Section 34 of IPC.
2. Prosecution case in brief is that a report was lodged by complainant Garhan Sahu in Police Station Sarsiwa alleging in it that on 25.11.2020 at about 07:30 pm certain dispute arose between him and applicant No.3 Devnath Sahu with regard to the money which was borrowed by Garhan Sahu and due to this reason, the applicants used filthy language and he has been assaulted by applicant No.1 Narayan Sahu with the help of club as a result of which blood was oozing from his head. It further alleged that the dispute was pacified by Vishram Sahu (son of uncle of the complainant) and Ashok Kumari (wife of Vishram Sahu) and they have been also assaulted by the applicants. There is also counter F.I.R. lodged under the same Sections of IPC on the same day by the accused party bearing Crime No. 365/2020 in

the same Police Station against complainant Garhan Shau and Vishram Sahu.

3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 30.12.2020, charge-sheet has been filed 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 State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the injuries sustained by the complainant and he has been discharged from hospital within three days, there is counter F.I.R. lodged under the same Sections of IPC by applicant No. 3 Devnath Sahu against the complainant party, dispute arose between the parties over money borrowed by complainant Garhan Sahu, the detention period of the present applicants, charge-sheet has already been filed, conclusion of the trial is likely to take some time, they have no criminal antecedents as admitted by both the counsel and that there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the application is allowed.
6. 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

vatti