

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 453 of 2021**

1. Lavang Sai S/o Ghur Sai Aged About 40 Years R/o Bagadi, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
2. Dhan Sai S/o Ghur Sai Aged About 38 Years R/o Bagadi, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
3. Kanchan Maravi S/o Dhan Sai Aged About 22 Years R/o Bagadi, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

**--Non-Applicant**

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| For Applicant           | : Shri Jitendra Shrivastava, Advocate |
| For Non-Applicant/State | : Shri Dinesh Tiwari, Dy. G.A.        |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**01/03/2021**

1. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 5.12.2020 in connection with Crime No.160/2020, registered at Police Station- Rajpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 294, 506-II, 323 & 307 read with Section 34 of the IPC.
2. Case of the prosecution is that the complainant lodged a report that on 29.8.2020, on account of some dispute, the applicants abused his son in public place and also assaulted him and his son with danda as a result of which they sustained injuries
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 on account of some dispute at the time of immersion of Ganesh idol, the complainant party and the applicants abused and assaulted each other and both the parties have sustained injuries. He submits that counter FIR was also lodged by the father of applicant No.2 vide Crime No. 161/2020 at Police Station Rajpur, district Balrampur and charge sheet has also been filed in the counter case under Sections 294, 506, 323, 325, 34 of the IPC. He submits that as the applicants have been arrested on 5.12.2020 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 there are no criminal antecedents against the applicants.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the fact that on account of some dispute at the time of immersion of Ganesh idol, both the parties have abused and assaulted each other and sustained injuries and a counter FIR was also lodged by the father of applicant No.2 at Police Station Rajpur vide Crime No.161/2020 and charge sheet has been filed in the said counter case under Sections 294, 506, 323, 325, 34 of the IPC; there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel; and 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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