

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 580 of 2021**

1. Andesh Kumar Dewangan, S/o Shri Dukalu Dewangan, aged about 31 Years,
2. Kamalnarayan Dewangan, S/o Shri Shatrughan Dewangan, aged about 35 Years,
3. Devendra Shrivastava, S/o Shri Shyam Shrivastava, aged about 23 Years,

All are R/o Nagar Panchayat Bilaigarh, Thana and Tahsil - Bilaigarh, District - Balodabazar- Bhatapara (Chhattisgarh).

----Applicants

Versus

- The State of Chhattisgarh, Through the Station House Officer, Police Station Bilaigarh, District Balodabazar- Bhatapara (Chhattisgarh).

---- Non-applicant

For Applicants	Mr. Sunil Sahu, Advocate.
For State	Mr. Hari Om Rai, P.L.

MCRC No. 618 of 2021

1. Bhushan Sahu, S/o Sonau Sahu, aged about 56 Years,
2. Chandraprakash Jaiswal, S/o Shatrughan Jaiswal, aged about 38 Years,

Both are R/o Nagar Panchayat Bilaigarh, District Balodabazar- Bhatapara Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.

----Non-applicant

For Applicants
For State

Ms. Supriya Upasane, Advocate.
Mr. Hari Om Rai, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

05/02/2021

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.232/2020 registered at police station Bilaigarh, District Balodabazar-Bhathapara, C.G., for the offence punishable under Sections 147, 186, 294, 332, 353 and 506 of Indian Penal Code, they are being disposed of by this common order.
2. Case of the prosecution, in brief, is that on 30.12.2020 at about 5:00 pm proceedings were being taken to remove illegal construction at Indira Market near Bilaigarh under the direction of the Chief Municipal Officer namely Sushil Chaudhary. After completion of the said proceedings for removal of the illegal construction, Dilip Dubey, Ramnarayan Dewangan, Chandrashekhar Bhatt, Smt. Saroj Jaiswal, Pradeep Dewangan, Shyam Shriwas, Lawan Soni, Manoj Sahu, Ku. Pushpa Sahu, Ku. Manju Sahu, Nagendra Dewangan and other 20-25 persons started obstructing Government work, threatened Sushil Chaudhary for life, assaulted him with hands, fists, kicks & bricks as a result of which he sustained injuries on vital parts of his body. On report being lodged to the above effect, the aforesaid offence have been registered against the applicants.

3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They also submit that no other allegations were leveled against the applicants. The applicants have no criminal antecedents, they are in custody since 02.01.2021 and conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the submissions made on behalf of the above applicants. However, he submits that the applicants have no criminal antecedents.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants and the fact that the applicants have no criminal antecedents as admitted by the counsel for the parties and 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh