

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 84 of 2021

1. Lalan @ Lal Singh Son Of Jhaman, Aged About 22 Years, Caste Gond,
2. Madan Son Of Jhaman Singh, Aged About 32 Years, Caste Gond,
3. Jhaman Singh Son Of Shiv Mangal. Aged About 50 Years (wrongly mentioned as 32 years), Caste Gond,
4. Gore Lal Son Of Late Jola, Aged About 42 Years,

All are R/o. Village Dhumadand, Police Chowki Rewati, Police Station Chandoura, District Surajpur (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Chowki Rewati, Police Station Chandoura, District Surajpur (C.G.).

---- Non-Applicant

For Applicants	:	Mr. D.N. Prajapati, Advocate.
For Respondent/State	:	Mr. V.K. Agrawal, Panel Lawyer.

MCRC No. 842 of 2021

1. Amrit S/o Bhagwan Singh, Aged About 36 Years,
2. Jawahir S/o Jaysingh, Aged About 45 Years,
3. Kenda Ram S/o Jola, Aged About 50 Years,
4. Makhan Lal S/o Barju, Aged About 35 Years,
5. Barju S/o Late Jola, Aged About 35 Years,
6. Bhagwan Singh S/o Shivmangal, Aged About 60 Years,
7. Budhram S/o Late Jola Aged About 45 Years,

All are R/o Village Dhumadand, Police Chowki Revti, Police Station Chandraura, District Surajpur (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh Through The Incharge, Police Chowki Revti, Police Station Chandaura, District Surajpur (C.G.).

---- Non-Applicant

For Applicants	:	Mr. D.N. Prajapati, Advocate.
For Respondent/State	:	Mr. V.K. Agrawal, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

02/03/2021

- 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 they are in jail since 26/11/2020 in connection with Crime No. 50/2020, registered at Police Chowki Revti, Police Station Chandaura, District Surajpur (C.G.) for the offence under Sections 147, 294, 506, 323, 325 & 307 of Indian Penal Code.
- 4) Allegation against the applicants are that on 06/07/2020 at about 08:00 AM they assaulted the complainant Shivdhari and their family members with club and bamboo stick while the complainant were sowing crops in their agricultural field. The applicants also abused the complainant party filthily and threatened them of life.
- 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 26/11/2020 and charge sheet has already been filed. He submits that applicants have also lodged FIR against the complainant party in the same incident bearing Crime No. 51/2020 for the offence under Sections 147, 294, 506 & 323 of IPC at Police Chowki Revti, Police Station Chandaura, District Surajpur. Therefore, the applicants deserve to be released on bail.

- 6) On the other hand, learned counsel for the respondent/State opposes the bail applications.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, there is a counter case against the complainant party at the instance of the applicants, the detention period of the applicants, charge sheet has already been filed and the fact that the applicants have 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 application is **allowed**. It is directed that in the event **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