

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 320 of 2021**

- Sonu @ Khilendra Madhariya S/o Niranjan Madhariya Aged About 26 Years R/o Village Litiya, Chowki, Litiya, Semariya, Thana Bori, District Durg Chhattisgrh. **---- Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Bori, District Durg Chhattisgarh., **---- Non-applicant**

MCRC No. 563 of 2021

- Doman Dhankar S/o Shri Leelaram Dhankar Aged About 19 Years R/o Village - Litiya , Police Out Post - Litiya - Semariya, Thana - Bori, District - Durg (Chhattisgarh), **---- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Bori, District - Durg (Chhattisgarh) **---- Non-applicant.**

MCRC No. 723 of 2021

1. Diamond @ Daddu Nirmalkar S/o Baldau Nirmalkar Aged About 30 Years R/o Village Nawagaon Police Station Bori Tehsil Dhamdha District Durg Chhattisgarh.,
2. Chunni Lal Patel S/o Chetanand Patel Aged About 20 Years R/o Village Nawagaon Police Station Bori Tehsil Dhamdha District Durg Chhattisgarh.,
3. Rishi Sen S/o Nand Kumar Sen Aged About 26 Years R/o Village Nawagaon Police Station Bori Tehsil Dhamdha District Durg Chhattisgarh.,

---- Applicants**Versus**

- State Of Chhattisgarh Through - S.H.O. Police Station Khurseepar, District - Durg Chhattisgarh. **---- Non-applicant**

MCRC No. 1026 of 2021

- Shravan Sinha S/o Dularwa Sinha Aged About 23 Years Village Nawagaon P.S. Bori Tehsil Dhamdha, District- Durg, Chhattisgarh.,

---- Applicant**Versus**

- State of Chhattisgarh Through S.H.O. Police Station Boree, District-Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant in MCRC : Mr. Arvind Dubey, Advocate.
No. 320 of 2021.

For applicant in M.Cr.C. : Mr. Sunil Sahu, Advocate.
No. 563 of 2021.

for applicants in M.Cr.C. : Mr. Avinash Chand Sahu, Advocate.
Nos. 723 of 2021 & 1026 of 2021

For State : Ms. Seema Dixit, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

23-02-2021

1. The aforesaid M.Cr.Cs are being disposed of by this common order as they arise out of same Crime No. 112 of 2020, registered in Police Station Bori, District Durg (CG) for offence punishable under Sections 427, 452, 294, 506, 323, 34 of IPC.
2. The applicants have preferred the aforesaid bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they have been arrested in connection with Crime No. 112 of 2020 registered in Police Station Bori, District Durg for offence punishable under Sections 427, 452, 294, 506, 323, 34 of IPC.
3. The allegation against the present applicants is that on 16-11-2020 complainant lodged a report in Police Station stating therein that the present applicants broke the door of the house of the complainant, entered inside the house, abused and assaulted him and his family members, as a result of which they sustained injuries, thereby the

aforesaid offence has been committed.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, the incident took place due to small dispute, the injuries sustained by the victims are simple in nature, all the offences are triable by the Magistrate, charge sheet has been filed, except present one, no other criminal antecedents have been reported against the present applicants, they are in jail since 23-11-2020, 28-11-2020, 1-12-2020, 7-12-2020 and conclusion of the trial is likely to take some time, therefore they may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. However, she submits that except the present one, the applicants have no other criminal antecedents.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, looking to the nature of injuries sustained by the victims, the fact that offence is triable by the Judicial Magistrate First Class, detention period of the applicants, there is no likelihood of the applicants tampering with the evidence or absconding and the applicants have no criminal antecedents as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that present is a fit case to grant bail to the applicants.
8. Accordingly, the applications are allowed and it is directed that all the applicants shall be released on bail on each of them 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted 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 applicant shall automatically stand cancelled without further reference to this Court.

Sd/-

(Gautam Chourdiya)
Judge

Raju