

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1078 of 2021

1. Balkishan Gayakwad And Anr. S/o Ishwar Prasad Gayakwad Aged About 27 Years R/o Nearby Anil Kirana Store, Khedamara Jamul, Tahsil And District Durg (Chhattisgarh), District : Durg, Chhattisgarh
2. Satyaprakash Banjare S/o Bisahu Das Banjare Aged About 27 Years R/o Nearby Anil Kirana Store, Khedamara Jamul, Tahsil And District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Jamul, District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Hari Om Rai, Advocate
For Non-Applicant/State	:	Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

01/03/2021

- 1) Heard on admission.
- 2) The petition is admitted for hearing.
- 3) With the consent of the parties the matter is heard finally.
- 4) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 5.1.2021 in connection with Crime No.355/2019, registered at Police Station- Jamul, District Durg(CG) for the offence punishable under Sections 147, 341, 427, 294, 323, 186, 353 of the IPC.
- 5) Case of the prosecution is that the complainant lodged a report that on 12.7.2019 the applicants along with other co-accused persons stopped the fire brigade vehicle which was going to put out the fire, near Nandni Road, Dhor chowk and abused the employees of the fire brigade vehicle and threw stones and brick on the vehicle due to which the

vehicle got damaged and the employees sustained injuries.

- 6) 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 death of some unknown person in the road accident, around 50-55 persons were gathered on the road and started damaging the vehicles passing on through the road and the applicants have not played any role only they were standing in the mob. He submits that as the applicants have been arrested on 5.1.2021 and trial is likely to take some time for its final disposal, therefore, the applicants be released on bail by this Court.
- 7) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application. He submits that there is no criminal antecedent against the applicants.
- 8) 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 death of one person in the accident, 50-55 persons were gathered and they were throwing stones and bricks on the vehicles passing on through the road; yet charge sheet has not been filed and there is no criminal antecedent against the applicants; age and detention period of the applicants; and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and that 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.
- 9) It is directed that in the event of the each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- 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

sunita