

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1017 of 2021

1. Kamta Manhare (Satnami), Aged About 34 Years.
2. Arvind Manhare (Satnami), Aged About 45 Years,

Both S/o Late Shri Hira Lal Manhare (Satnami), R/o Village Jarod (K), Police Station Aarang, Tahsil Aarang, District, Raipur (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through The Police Station Aarang, Raipur (C.G.).

---- Non-Applicant

For Applicants	: Mr. N. Naha Roy, Advocate.
For Non-Applicant/State	: Mr. V.K. Agrawal, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

22/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 21/11/2020 in connection with Crime No. 524/2020 registered at Police Station Aarang, Raipur (C.G.) for the offence under Sections 294, 506-B, 307 & 34 of IPC.
- 2) Case of the prosecution, in brief is that there has been a long standing land dispute between the family of the complainant Mithun Sahu and the applicants. At the time of harvesting of crop, the applicants objected to the harvesting of crop by the complainant, threatened them of life, abused filthily and assaulted them with Tangiya (Axe) and Sabbal (Crowbar) as a result of which Devsharan and the complainant sustained injuries over his head. On report being lodged to the above effect, the aforesaid offence has been registered against the

applicants.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 21/11/2020, charge sheet has been filed, applicants have no criminal antecedents and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that victim Devsharan Sahu suffered only one incised wound on occipital region of head, he remained in hospital from 21/11/2020 to 25/11/2020, whereas complainant Mithun Sahu sustained only three contusions over scapular region and left thigh which were simple in nature, the detention period of the applicants who are 34 & 45 years old, charge sheet has already been filed, there is no apprehension of their absconding or tampering with the evidence as admitted by the counsel for the parties and the trial is likely to take some time for disposal due to COVID-19, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is **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**

Chandrakant