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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1063 of 2021**

1. Suraj Singh Rajput, S/o Shri Manohar Rajput, aged about 28 Years, R/o Baigan Debhar, Behind S.P Bungalow P.S-Kotwali Korba Sub-Police Station Rampur Tehsil Korba, District – Korba, Chhattisgarh.
2. Deepak Singh Rajput, S/o Shri Manohar Rajput, aged about 26 Years, R/o Baigan Debhar, behind S.P Bungalow P.S- Kotwali Korba Sub- Police Station Rampur Tehsil Korba, District- Korba, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Chowki-Rampur Police Station Kotwali Korba, District Korba, Chhattisgarh.

---- Non-applicant

MCRC No. 1356 of 2021

- Smt. Radhadevi Rajput, W/o Shri Manohar Singh Rajput, aged about 45 Years, R/o Baigandebhar, Behind S.P Bungalow Police Station Kotwali Korba Sub Police Station Rampur Tehsil Korba, District Korba, Chhattisgarh.

---Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police of Police Chowki Rampur, Police Station Kotwali Korba, District Korba, Chhattisgarh.

----Non-applicant

For Applicants	Shri Aashutosh Shukla, Advocate.
For State	Shri V.K. Agrawal, P.L.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

24/03/2021

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.15/2021 registered at Police Chowki- Rampur, Police Station Kotwali, District Korba, C.G. for the offence punishable under Sections 294, 323, 506, 307 read with 34 of Indian Penal Code, they are being disposed of by this common order.
2. Case of the prosecution, in brief, is that on the date incident i.e. 03.01.2021 at about 4:30 pm when the complainant Shayama Yadav along with his brother Manish Yadav were going to their house, on the way applicant Suraj Singh Rajput met them on the way in drunken condition and started abusing them filthily. At that time, the other family members of the applicant Suraj Singh Rajput also reached their by car and thereafter applicant Deepak Singh Rajput came out from the car with a knife and having abused them filthily, assaulted on his brother Manish with knife which hit his abdomen. When the complainant intervened, both the applicants beat him with hands and fists. Mother of these applicants namely Smt. Radhadevi Rajput also beat them with hands and fists. All the applicants also threatened them of life.
3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that there is no direct proof of applicants involvement in the alleged crime. The applicants are in jail since 13.01.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on

bail.

4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations against the present applicants and the fact that the stab injury sustained by Manish and the injury i.e. pain on right side neck and swelling over right mandible region with pain suffered by Shayama are opined to be simple in nature and injured-Manish admitted in hospital only for 5 days i.e. from 03.01.2021 to 07.01.2021, further considering detention period of the applicants, who are 26, 28 & 45 years of age, charge sheet has already been filed, the fact that the applicants have no criminal antecedent and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the 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 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.

Sd/-
Gautam Chourdiya
Judge

Akhilesh