

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 979 of 2021

1. Tosh Kumar Maheshwari S/o Shri Baldev Prasad Maheshwari Aged About 29 Years
2. Tej Kumar Maheshwari S/o Shri Baldev Prasad Maheshwari Aged About 25 Years
3. Akash Kumar Maheshwari S/o Shri Baldev Prasad Maheshwari Aged About 19 Years

All the applicants are R/o Village- Bansivani, Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Mahasamund District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-Applicant

MCRC No. 1064 of 2021

- Baldev Prasad Maheshwari S/o Late Shri Daulat Ram Maheshwari Aged About 53 Years Caste- Satnami, R/o Village- Bansivani, Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Mahasamund District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Shri Surfaraj Khan, Advocate
For Non-Applicant/State	:	Shri Ashish Gupta, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19.3.2021

1. As both the MCRCs arise out of the same Crime Number, they are being heard and disposed of by this common order.
2. The applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, as they are in jail since 26.11.2020 and 5.12.2020 respectively in connection with Crime No.665/2020, registered at Police Station- Mahasamund, District-Mahasamund(C.G.) for the offence punishable under Sections 307, 323, 34 of the IPC.
3. Case of the prosecution is that the complainant Sevakram has lodged a report that on 20.11.2020, his son had gone to take bath in the village pond there the applicants assaulted him with lathi, danda and tangia and he came to running house shouting 'Muze bacha lo' and when the complainant came out of house, the applicants have also assaulted him and caused grievous injuries.
4. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the case. He submits that there is no eye-witness to the incident and the applicants have been taken into custody on the basis of suspicion and there is no connecting evidence against the applicants. He submits that a counter FIR has also been lodged by the applicant Tosh Kumar Maheshwari against the complainant on the same day. He further submits that charge sheet has been filed and conclusion of trial is likely to take some time, therefore, at this stage, the applicants may be granted bail.
5. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail. He submits that 2 cases against applicant Baldev Prasad and 1 case against applicant Tosh Kumar Maheshwari under Sections 294, 506, 323 of the IPC have been registered in the year 2016, 2018.
6. Having heard learned counsel for the parties and considering the facts and circumstances of the case and further considering that

counter FIR No.0666 in Police Station Mahasamund was also lodged by the applicant Tosh Kumar Maheshwari on 20.11.2020 against the complainant Sevakram and others under Sections 307, 323, 34 of the IPC; the material collected by the prosecution, the detention period of the applicants and that conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicants.

7. Accordingly, the bail applications are allowed.
8. It is directed that in the event of 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 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 him 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