

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1104 of 2021

1. Shankar Lal Sahu Alias Rinku Sahu S/o Shri Ramesh Sahu Aged About 20 Years Adhar No. 445661012802 R/o Santoshi Nagar, Lakholi, P.S. Kotwali, Tehsil And District- Rajnandgaon, 491441, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Giteshwar Sahu Alias Rakesh Sahu S/o Shri Ramesh Sahu Aged About 32 Years Adhar No. 529426991168 R/o Santoshi Nagar, Lakholi, P.S. Kotwali, Tehsil And District- Rajnandgaon, 491441, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Kotwali, District- Rajnandgaon, C.G., District : Rajnandgaon, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri S.S. Baghel, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

31/03/2021

- 1) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 24.12.2020 in connection with Crime No.645/2020, registered at Police Station- Kotwali, District Rajnandgaon(CG) for the offence punishable under Sections 294, 323, 506, 307, 34(wrongly written as section 324 IPC) of the IPC.
- 2) Case of the prosecution is that the complainant lodged a report that on 17.12.2020, at about 7.15 pm when he was inside his house, he heard several people shouting and fighting, on which, he came outside of his house and saw that the applicants and some other persons were assaulting and abusing his father and brother. On intervening the complainant, they also assaulted him, due to which they received

injuries.

- 3) 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 submits on account of some dispute, an altercation took place and the applicants and complainant party assaulted each other. He further submits that the applicants have also lodged counter FIR No.646/2020 against the complainant party under Sections 294, 323, 506 r/w 34 of the IPC. He submits that as the applicants have been arrested on 24.12.2020 and trial is likely to take some time for its final disposal, therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he submits that there is no criminal antecedent of the applicants.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the counter FIR lodged by the applicants against the complainant; charge sheet has been filed; the applicants have no criminal antecedents and they are in jail since 24.12.2020; 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.
- 6) It is directed that in the event of the 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:-
 - (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

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