

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1469 of 2021

- Shatrughan Banjare@ Sukhiram Banjare, S/o Shri Kunjram Satnami, Aged About 30 Years, R/o Village Sambalpuri, P.S. Belha, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station Belha, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Shri Dheerendra Pandey, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.
For Objector	:	Shri Pradeep Kumar Jogi, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 08.10.2020 in connection with Crime No. 178/2020, at Police Station- Belha, District- Bilaspur (C.G.) for the offence punishable under Section 147, 148, 149, 294, 506 (B), 323, 307 of I.P.C.
2. Case of the prosecution, in brief, is that on 07.10.2020 complainant Rajesh Dahariya, resident of Sambalpuri lodged report in the Belha Police Station that during the month of May June, 2019 one Manmohan Banjare alongwith other co-accused persons assaulted him, against the said accused persons the complainant lodged report under Section 307, for this reason the accused persons had ill intention against the complainant. On 05.10.2020, in Hirri Police Station, Manmohan was arrested for offence under Section 376 of IPC. On 07.10.2020 at about 7.30

to 7.45 p.m. he received information from his uncle's son that lock is broken of the home near Panchayat Bhawan, thereafter, he alongwith his uncle and Naresh Chandra in one motorcycle rushed towards the said home and near panchayat bhawan accused persons namely Shatruhan Banjare, Heerachandra Banjare, Jagtaaran Banjare, Gyanchand Banjare, Hirchand Banjare, Pappu @ Rajkumar Kurrey and other persons started abusing filthily, assaulted Naresh Chandra with weapon Farsa-Lathi, as a result of which Naresh Chandra received injuries on his shoulder.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that the applicant/accused has no criminal antecedents, co-accused persons have already been granted bail by co-ordinate Bench of this Court vide order dated 28.01.2021 in MCRC Nos. 7926/2020, 321/2021 & 8252/2020 and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Shri Pradeep Kumar Jogi appeared for objector raised objection to grant of bail to the applicant.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant who is 30 years old, the fact that the co-accused persons have already been granted bail by co-ordinate Bench of this Court, applicant has no criminal antecedents there is no likelihood of the applicant tempering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, the application is allowed.

7. It is directed that in the event of the applicant 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, he shall be released on bail on following conditions:-

(a) he 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) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim