

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1776 of 2021**

1. Gaurishankar, S/o Topi Sonwani, aged about 43 years,

2. Raju Kurre, S/o Naindas Kurre, aged about 55 years,

Both resident of Village Parsabhader, Thana- City Kotwali, Balodabazar,
District Baloda Bazar (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through the Station House In-Charge, Police Station
City Kotwali, District Balodabazar – Bhatapara (C.G.)

----Non-applicant

For Applicant	:	Ms. Supriya Upasane, Advocate
For Non-applicant	:	Mr. D.P. Singh, Dy. Advocate General.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board**

31/05/2021

(1) Proceedings of the matter have been taken-up through Video Conferencing.

(2) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 34/21 registered at police Station City Kotwali, Baloda Bazar, Bhatapara for the offence punishable under Sections 294, 323, 506 & 436 of the Indian Penal Code.

(3) Case of the prosecution, in nutshell, is that complainant namely Dilip Kumar Miri had lodged an FIR on 12.01.2021 at 7 P.M. to the concerned police station to the

effect that when he went to his house situated at Old Basti and asked about sand and stone, which were kept in front of his house gate, the applicants, who were sitting there, abused the complainant with offensive words, threatened for life and assaulted him with hand and fists and also pushed him in the drain; and set fire on *parchhi* of his house and thereby committed the aforesaid offences.

(4) Counsel for the applicants submits that the applicants have been falsely implicated in the crime in question as they have not committed any offence. She submits that the applicants have no intention at all to cause any offence, even otherwise, he is local resident of Village - Parsabhader, District Baloda Bazar and they have no criminal antecedents. She further submits that the applicants are in jail since 12.01.2021 and after filing of the charge-sheet, trial is likely to take more time for its final disposal due to covid-19 pandemic and the relationship between the applicants and complainant have become cordial, therefore, the applicants are entitled to be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Considering the totality of the facts and circumstances of the case, particularly the fact that the applicants are in detention since 12.01.2021 and after filing of the charge-sheet, trial is likely to take more time for its final disposal due to Covid-19 situation and no previous criminal antecedents has been shown against the applicants; without further commenting on merits; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum

to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(8) In view of above, I. A. No. 2, application for urgent hearing & I.A. No. 1, application for hearing the case during summer vacation stand disposed of.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Vacation Judge

Dubey/-

