

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 1744 of 2021**

1. Arjun Das Sahu, S/o Dashru Ram Sahu, aged about 57 Years, Caste Teli,
2. Narsingh Kadam, S/o Ude Ram, aged about 38 Years, Caste Kurmi,
3. Sunil Sahu, S/o Baratu Sahu, aged about 38 Years, Caste Teli,
4. Gulab Kadam, S/o Bhagwat Kadam, aged about 42 Years, Caste Kurmi,
5. Harendra Kurmi, S/o Kejuram Kurmi, aged about 34 Years, Caste Kurmi,

All R/o Village Murmunda Police Station Dongargarh District
Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---Applicants**Versus**

- State of Chhattisgarh, Through Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Non-applicant**MCRC No. 1867 of 2021**

- Lukky @ Lekhram, S/o Maangilal, aged about 30 Years, R/o Village Tulsipur, Rajnandgaon, District Rajnandgaon, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through P.S. Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Non-applicant**MCRC No. 2214 of 2021**

- Darwan, S/o Anand Ram, aged about 35 Years, Resident of Village Murmunda, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---Non-applicant

For Applicants	Shri Keshav Dewangan, Shri J.K. Gupta & Shri Shaleen Singh Baghel, Advocates.
For State	Shri Sudeep Agrawal, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya 

Order on Board

21/05/2021

1. As all these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.10/2017 registered at police station Dongargarh, District Rajnandgaon, C.G., for the offence punishable under Sections 148/149, 186/149, 332/149, 353/149, 307/149 & 435/149 of Indian Penal Code and Sections 3 & 4 of the Prevention of Damage to Public Property Act, 1984, they are being disposed of by this common order.
2. Case of the prosecution, in brief, is that in the night intervening 6-7 January, 2017 some cultural program was going on in village Murmunda where the present applicants along with other co-accused persons were creating nuisance. On complaint being made to the police, the police party reached there and tried to convince the accused persons not to do so. However, one of the accused assaulted the complainant with an iron rod on his head

with intention to commit his murder. The accused persons also caused damage to the police vehicles and set them on fire. The accused persons caused hindrance in the discharge of official duties by the police party.

3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 03.02.2021 & 04.02.2021, charge sheet has already been filed, due to COVID-19 pandemic, conclusion of trial is likely to take some time and that co-accused persons namely Santosh Shivankar, Shiv Kadam @ Yuvraj Kadam, Santaru Yadav, Suraj Kadam, Bhagwani, Chohal Kishore @ Mukesh Kumar Verma, Pemandas, Kewaldas Sahu, Sujit Kumar Sahu, Mahesh Kumar Dewangan, Yogesh Mandawi & Dwarika Patel in this case have already been granted regular bail by the Co-ordinate Bench of this Court in MCRC No.2049/2017, MCRC No.2579/2017, MCRC No.2693/2017, MCRC No.2676/2017 and MCRC No.3109/2017 vide order dated 17.05.2017. Therefore, the applicants be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, charge sheet has already been filed, the fact that the co-accused persons in this case have already been granted regular bail by the Co-ordinate Bench of this Court, the detention period of the applicants, the fact that the applicants have no criminal antecedents and there is

no likelihood of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time, the applications are allowed.

6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned Trial Judge for their appearance before the said trial Court as and when directed.
7. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.
8. The applicants are further directed to remain present before the SHO/IO/Incharge as the case may be to Police Station Dongargarh, District Rajnandgaon on every Monday till trial at 11.00 am sharp to mark their appearance. If the applicants fail to appear as directed, Dongargarh Police may intimate the same to the Trial Judge and if the Trial Judge finds that the applicants remained absent without any cogent or proper reason, the bail

granted to the applicants shall stand cancelled without reference to the Bench under intimation.

Sd/-
Gautam Chourdiya
(Vacation Judge)

Ravi.