

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1750 of 2021

1. Devendra Baghel S/o Rajendra Baghel Aged About 25 Years
2. Dharmu S/o Rajendra Baghel Aged About 22 Years
3. Rajendra Baghel S/o Mehtaru Aged About 50 Years

(Wrongly Mentioned As Banghel In The Order Sheet)

All By Caste Satnami R/o Village Gabhra Police Station And Tahsil Chhuikhadan District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

4. Ramesh Chelak S/o Late Vijay Chelak Aged About 28 Years (Wrongly Mentioned As Chekal In The Order Sheet) R/o Atal Awas Urla Police Station Mohan Nagar District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Chhuikhadan District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Abhishek Sharma, Advocate
For Non-Applicant/State	:	Ms. Shubhra Shrivastava, P.L.

Hon'ble Shri Justice Gautam Chourdiya, J
Order On Board

10/03/2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 18.2.2021 (wrongly mentioned as 18.2.2020 in the order sheet) in

connection with Crime No.40/2021, registered at Police Station-Chhuikhadan, District Rajnandgaon (CG) for the offence punishable under Sections 452, 294, 323, 506, 325, 34 of the IPC.

- 5) Case of the prosecution is that the complainant Dhan Bai Tode lodged a report that on 13.2.2021 at about 7.00 pm when she was sitting in front of her house along with some other villagers, at that time her son Ramkhilawan was quarreling using filthy language with his wife(daughter in law of the complainant) on account of giving food, at that time Mehtaru Baghel was passing through the road and he thought that son of the complainant is abusing him, thereafter, after some time he came along with his son and abused and assaulted the complainant and her family members with hands and fists. Based on this, an offence was registered and the applicants were taken into custody.
- 6) 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 further submits that on account of some misunderstanding the dispute had taken place and the applicants have no intention to assault the complainant and her family members. He submits that as the applicants have been arrested on 18.2.2021 and trial is likely to take some time for its final disposal, therefore, the applicants may be released on bail by this Court.
- 7) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he submits that there is criminal antecedent against the applicants.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and the nature of allegations against the applicants and further considering that all the offences are bailable except the offence under Section 452 of the IPC; there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel; no criminal antecedent is reported against the applicants; and 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.

9) 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