

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1900 of 2021

1. Bideshiram, S/o Jhaduram Sahu, Aged About 49 Years, R/o Village Kutelikala, Police Station and Tahsil- Chhuikhadan, District- Rajnandgaon, Chhattisgarh.
2. Nandkumar Sahu, S/o Bideshiram Sahu, Aged About 25 Years, R/o Village Kutelikala, Police Station and Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh
3. Smt. Lalita Bai Sahu, W/o Bideshiram Sahu, Aged About 47 Years, R/o Village Kutelikala, Police Station and Tahsil Chhuikhadan, District- Rajnandgaon, Chhattisgarh

---- Applicants

Versus

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

---- Non-Applicant

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

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.03.2021

- 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 05.02.2021 in connection with Crime No. 28/2021 registered at Police Station- Chhuikhadan, District-Rajnandgaon for the offence punishable under Section 294, 323, 506, 452, 34 of I.P.C.

- 5) Case of the prosecution, in brief, is that on 02.02.2021 at 1.00 p.m. a dispute arose between the applicants and complainant party. The complainant Rajni Bai objected to the construction of column adjacent the house of the complainant. On this the applicants started abusing filthily to the complainant party, assaulted with hands, fists and bricks and also threatened them of life. In this incident the complainant, Tijan, Amar Singh, Hardev sustained injuries.
- 6) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submit that the applicants have also lodged counter F.I.R. against the complainant party. He further submits that in fact the complainant party was aggressor. The applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants have been arrested on 05.02.2021, Charge-sheet has already been filed and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedent.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, who are 49, 25, 47 years old, counter F.I.R. was lodged against the complainant party by the present applicants, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering 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.
- 9) It is directed that in the event 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 him 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.

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

Sd/-
(Gautam Chourdiya)
Judge

Nadim