

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1890 of 2021

- Pawan Kumar, S/o Sukul Kshyap, Aged About 40 Years, R/o Village- Mahant, Police Station and Tahsil- Navagarh, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Navagarh, District- Janjgir-Champa, Chhattisgarh.

---- Non-Applicant

with

MCRC No. 1897 of 2021

- Ganga Bai, W/o Pawan Kumar Kashyap, Aged About 35 Years, Cast-Kashyap, R/o Village- Mahant, Police Station and Tah.- Navagarh, District : Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Navagarh, District : Janjgir-Champa, Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri C.K. Kesharwani and Shri Tarun Dansena, Advocates
For Non-Applicant/State	:	Smt. Deepti Shukla, Panel Lawyer
For Objector	:	Shri Sushobhit Singh, Advocate

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

29.06.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as applicants were arrested on 17.02.2021 in connection with Crime No. 77/2021 registered at Police Station- Navagarh, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506, 323, 307/34 of IPC.
- 3) Case of the prosecution, in brief, is that on 12.02.2021 at about 5.00 pm the complainant and applicant Pawan met near the house of the complainant and the complainant asked applicant Pawan for returning of money. Thereafter, applicant Pawan over this matter and for an old dispute regarding election matter, started abusing the complainant filthily, gave him threat to life, assaulted him with club on various parts of body. At that time, the co-accused Vinod Kashyap and present applicant Gangabai reached the spot and they also assaulted the complainant. The brother of the complainant intervened, he was also assaulted by the accused persons, as a result of which both the victims sustained injuries on various parts of the body.
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the applicants are the first offenders, they have no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 17.02.2021, the victim persons have been

discharged from the hospital within short span of time and due to COVID-19 pandemic trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

- 5) On the other hand, learned counsel for the Non-applicant/State and counsel for the objector unanimously oppose the bail applications, however, State counsel submits that the injured /complainants were discharged from the hospital within short span of time and that applicants have no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, allegations made against the present applicants, the victim/complainant was discharged from the hospital within short span of time, the detention period of the applicants, who are 35 & 40 years, they are the first offenders, the fact that charge-sheet has already been filed and the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 situation conclusion of trial may take some time, therefore, without commenting anything on the merits of the case, the applications are allowed.
- 7) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- 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.
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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