

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2332 of 2021

1. Chunni Thakur, S/o Shravan Thakur, Aged About 21 Years, R/o Mahamaya Para Patan, District- Durg (C.G.)
2. Umashankar Patel, S/o Leelaram Patel, Aged About 22 Years, R/o Mahavir Chowk Patan, District- Durg (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through: Station House Officer, P.S.- Patan, District- Durg (C.G.)

--- Respondent

For Applicants	:	Mr. Avinash Chand Sahu, Advocate.
For State/ Respondent	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

24/05/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 29.11.2020 in connection with Crime No. 173/2020, registered at Police Station- Patan, District- Durg (C.G.) for the offence punishable under Section 294, 506B, 323, 307/34 of IPC.
2. Case of the prosecution in brief is that on account of quarrel between accused and complainants after closing wine shop, the present applicants along with other co-accused started abusing and beating the complainants which has caused injuries to the

complainants regarding which, offence under Section 294, 506B, 323, 307/34 of IPC has been registered against the applicants.

3. Learned counsel for the applicants submits that the applicants are in jail since 29.11.2020 and have been falsely implicated in this case. There is no ingredient in this case to attract the offence under Section 307 of IPC. It is further contended that the co-accused namely Bhushan Verma has already been extended benefit of bail by Coordinate Bench of this Court in MCRC No. 571 of 2021 (Bhushan Verma Vs. State of Chhattisgarh) on 24.03.2021. Hence, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation against the applicants regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of injuries sustained by complainant Yepal Singh is simple, though Mukesh Kumar sustained grievous hurt, but he was admitted in hospital on 29.11.2020 and discharged on 30.11.2020 without any complications, the detention period of the applicants, who are 21 & 22 years old, charge sheet has already been filed and the fact that the applicants are young offender having no criminal antecedent and there is no

apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is allowed. It is directed that in the event of applicants executing personal bond for a sum of Rs. 50,000/- each with two sureties of Rs. 25,000/- each to satisfaction of the concerned trial court, they shall be released on bail on the following conditions:-

- (i) 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.
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial.
- (iii) They shall appear before the trial court on each and every date given to them by the said court till disposal of the trial.
- (iv) They shall not involve themselves in any offence of similar nature in future.

Certified copy, as per rules.

**Sd/-
(Narendra Kumar Vyas)
Vacation Judge**