

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2350 of 2021

1. Rajaram Pusam, S/o Jatan Pusam, Aged About 37 Years,
2. Moharlal Markam, S/o Ramratan Markam, Aged About 33 Years,
3. Ramnarayan Markam, S/o Ramratan Markam, Aged About 33 Years,
4. Sitaram, S/o Jata, Aged About 33 Years,

All are R/o Talkeshwarpur, Police Station Sanawal, District-Balrampur-Ramanujganj, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- Police Station Sanawal, District-Balrampur-Ramanujganj, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Pushkar Sinha and Shri Neeraj Mehta,
Advocates
For Non-Applicant/State : Shri Anand Verma, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

14.06.2021

- 1) First bail application of the applicants was dismissed as withdrawn vide order dated 16.02.2021 in MCRC No. 50 of 2021.
- 2) The applicants have preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 03.12.2020 in connection with Crime No.68/2020, registered at Police Station- Sanawal, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 147, 148, 294, 506 Par-II, 307, and 427 of IPC and Section 3 and 4 of C.G. Tonhi Pratadna Adhiniyam.
- 3) Case of the prosecution, in brief, is that in the night intervening 02.12.2020 at village Talkeshpur Tedva Khairwarpara, Police

Station Sanaval, District Balrampur, the applicants party unlawfully gathered outside home of the complainant Ramsunder Uike which is public place, the applicants party having common intention to kill the complainant party, armed with club, axe, abused the complainant party filthily and forced them to open their door, at that time the complainant's father namely Dhanna Ram was sleeping in the verandah. The applicants assaulted Dhanna Ram with club and axe calling him *Tonha*.

- 4) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further argued that charge-sheet has already been filed, the applicants are in jail since 16.02.2021, they are the young offenders. He further submits that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and due to COVID-19 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-Applciant/State opposes the bail application and submits that the applicants have no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that charge-sheet has already been filed, looking to the nature of injury of the victim/complainant and the victim/complainant has been discharged from the hospital without any complication within three days, the detention period of the applicants, 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 conclusion of trial may take some time, without commenting anything on merits of the case, the application is 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 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