

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 623 of 2021

1. Ram Lal S/o Rameshwar Kosley, aged about 50 years
2. Shyam Lal S/o Rameshwar Kosley, aged about 48 years
3. Roop Kala W/o Shyam Lal, aged about 45 years
4. Ritesh Kumar S/o Shyam Lal, aged about 22 years

All Caste – Satnami, R/o Village Chandaniya, P.S. & Tahsil Baloda, District Janjgir-Champa (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, P.S. Baloda, District Magistrate Janjgir-Champa, District Janjgir-Champa (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri N.K. Chatterjee, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

11.06.2021

1. The application is heard through Video Conferencing.
2. The applicants have preferred this first bail application under Section 438 of Cr.P.C. as they apprehend their arrest in connection with Crime No. 57/2018, registered at Police Station Baloda, District Janjgir-Champa (C.G.) for offences punishable under Sections 294, 506, 323, 452 read with Section 34 of IPC.
3. Allegation against the present applicants is that on 03.03.2018 at about 06:30 pm in village Chandaniya in furtherance of their common intention all the applicants assaulted complainant Tulsi Ram Sonwani, injured Sweta Kant, Santoshi Bai, Swati Kumari, Sehtarin Bai & Pratima by *lathi*, abused them filthily and threatened them of life.
4. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in this case. He submits that there are no specific allegations made against the applicants, 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 situation the trial of the case 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 State opposes the bail application.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, all the offences except the one under Section 452 of IPC are bailable and triable by Magistrate, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and looking to the Covid-19 situation, conclusion of the trial may take some time, without commenting anything on merits of the case, I am inclined to release them on anticipatory bail.
7. Accordingly, the bail application is allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on their executing a personal bond for a sum of Rs.50,000/- each with two sureties of Rs.25,000/- each to the satisfaction of the arresting officer with following conditions:-
 - 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/her from disclosing such fact to the Court.
 - they shall not act in any manner which will be prejudicial to fair investigation and expeditious trial, and
 - they shall make themselves available for interrogation by a police officer as and when required.

Sd/-
(Gautam Chourdiya)
Judge