

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2835 of 2021**

1. Ram Kumar Burman, S/o Ghanaram Burman, aged about 37 Years, R/o
2. Nagesh Burman, S/o Ghanaram Burman, aged about 20 Years,

Both are R/o Village Kosa, Police Station, Mulumla, District Janjgir Champa, Chhattisgarh.

**----Applicants**

**Versus**

- State of Chhattisgarh, Through S.H.O. Police Station Mulmula, District Janjgir Chmapa, Chhattisgarh.

**----Non-applicant**

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| For Applicants | Shri Ravindra Sharma, Advocate.       |
| For State      | Shri Ayaz Naved, Government Advocate. |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**11/06/2021**

1. The matter is heard through Video Conferencing.
2. The applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.276/2020 registered at Police Station Mulmula, District Janjgir-Champa, C.G. for the offence punishable under Sections 294, 323, 506-B & 307/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 22.10.2020 at about 7:00 pm near Durga Mandir Tiraha, village Kosha, due to some political rivalry applicant- Ram Kumar Burman abused the complainant filthily, assaulted upon him by hockey stick and

applicant- Nagesh and other co-accused persons assaulted upon him by hands and fists. When Ravi (complainant's friend) tried to pacify the dispute, applicant- Ram Kumar Burman also assaulted upon him by hockey stick on head and threatened them to kill. On report being lodged to the above effect, the offence under the aforesaid Sections were registered against the applicants and other co-accused persons.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime. He submits that the essential ingredients for attracting the alleged offence are missing in this case. There is no evidence on record to connect the present applicants with the alleged offence. Applicants are languishing in jail since 01.03.2021, due to COVID-19 pandemic, conclusion of trial is likely to take some time and that co-accused persons namely Rajalal Burman @ Bholu & Santosh Burman in this case have already been granted anticipatory bail by the co-ordinate Bench of this Court in MCRCA No.1689 of 2020 vide order dated 18.02.2021. Therefore, the applicants be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, further considering the fact that both the parties lodged the complaint against each other, counter FIR No.278/2020 was lodged against the complainant party, charge sheet has already been filed, the

fact that the co-accused persons in this case have already been granted anticipatory bail by the co-ordinate Bench of this Court, the detention period of the applicants, who are 37 & 20 years of age respectively and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of 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:-

- (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 him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature in future.

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