

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3373 of 2021

1. Vijay Dhimar S/o Late Vishram Dhimar, aged about 26 years, Caste Dhimar,
2. Ajay Dhimar S/o Late Vishram Dhimar, aged about 28 years, Caste Dhimar

Both R/o Village Tilai, Police Station Janjgir, Tahsil Akaltara, District Janjgir-Champa (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : District Magistrate, Janjgir, District Janjgir-Champa (C.G.)

---- State/Non-Applicant

For Applicants : Shri N.K. Chatterjee, Advocate

For Non-Applicant/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

10.06.2021

1. The application is heard through Video Conferencing.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 27.01.2021 in connection with Crime No. 436/2020 registered in Police Station- Janjgir, District Janjgir-Champa (CG) for the offence punishable under Sections 294, 506-B, 323, 307 read with Section 34 of IPC and Section 25 of the Arms Act.
3. Prosecution case in brief is that on the date of incident i.e. on 08.10.2020 at about 08:30 pm when Vivek Yadav and Dev Kumar Yadav were going towards their house, complainant Gopal Prasad Yadav heard the screams of Vivek Yadav coming from *gatwa* pond. When the complainant went there, he saw that applicant Vijay Dhimar was beating his nephew (Vivek Yadav and Dev Kumar Yadav) in the pond. When complainant pulled out them from the pond, applicant Vijay Dhimar assaulted on the head of Dev Kumar Yadav by

sword. At that time applicant Ajay Dhimar and his mother Kumari Bai reached there and Ajay Dhimar also assaulted on the head of Vivek Yadav by *lathi*. A report was lodged by complainant Gopal Prasad Yadav in Police Station Janjgir which was registered under Section 294, 506-B, 323 read with Section 34 of IPC under the Crime No. 436/2020.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime. He further submits that injured Vivek Yadav and Dev Kumar Yadav have no objection to grant of bail to the applicants. He submits that injured Dev Kumar Yadav has filed an application for no objection to grant of bail to the applicants before the trial Court which is duly supported by his affidavit. He also submits that the applicants are languishing in jail since 27.01.2021, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Having regard to the facts and circumstances of the case, the fact that the injured persons have been discharged from hospital with no any serious complication, injured Dev Kumar Yadav has filed an application for no objection to grant of bail to the applicants before the trial Court which is duly supported by his affidavit, the detention period of the applicants who are 26 & 28 years old, charge-sheet has already been filed and conclusion of the trial is likely to take some time, the applicants have no criminal antecedents as admitted by both the counsel, there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
8. 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/her 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.

9. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge