

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3472 of 2021

1. Laxminarayan, Son of Dukharam Patel, Aged About 48 Years,
2. Vijay Kumar, Son of Dukharam Patel, Aged About 37 Years,
3. Manmohan, Son of Shivcharan Patel, Aged About 29 Years,
4. Chhatram, Son of Vimal Patel, Aged About 25 Years,
5. Jeevan, Son of Sammelal Patel, Aged About 37 Years,
6. Ajay Son of Dukharam Patel, Aged About 30 Years,

Applicant No. 1 to 6 are resident of village Kumhari, P.S. Gidhouri, District Baloda Bazar-Bhatapara Chhattisgarh.

7. Gourav @ Guddu, Son of Ishwari Patel, Aged About 28 Years, Resident of 217 Basant Vihar A.C.C.L Colony Bilaspur, P.S. Sarkanda, District Bilaspur Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- Station House Office, P.S. Gidhouri Tundra, District : Balodabazar- Bhathapara, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Sumit Jhawar, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

20.07.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are arrested in connection with Crime No.43/2021 registered at Police Station- Gidhouri Tundra, District- Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 452, 323, 506, 294 & 147 of IPC.

- 2) Case of the prosecution, in brief, is that on 11.03.2021 the complainant lodged report in the police station to the effect that her husband is village panch, due to his dissent regarding panchayat development work the present applicants who are Sarpanch, Upsarpanch and panchas, were having animosity against the husband of the complainant. On 10.03.2021 at about 9.30 pm when the complainant was in her courtyard, she heard the voice of her husband "*bachao-bachao*", on which she rushed toward the room and saw the present applicants assaulting her husband with rod, club, hockey stick, hands and fists, abusing her husband filthily and giving threat to life and also they forcibly tried to make him sit inside the car but he somehow escaped from there and saved his life.
- 3) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submit that the applicants have no criminal antecedents, charge-sheet has been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants number 1 to 4 are in jail since 11-03-2021 and applicants number 5 to 7 are in jail since 31-03-2021 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.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, nature of allegation made against the present applicants, the detention period of the applicants, who are 25, 28, 29, 30, 37 & 38 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is

allowed.

6) 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:-

- (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