

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2928 of 2021

1. Pankaj Sahu S/o Shri Ramesh Sahu, Aged About 19 Years, Aadhar No. 528770121900,
2. Dinesh Kumar Sahu S/o Shri Ramesh Sahu, Aged About 23 Years, Aadhar No. 878533264025,

Both are R/o Santoshi Nagar, Lakholi, Police Station- Kotwali, Tehsil And District, Rajnandgaon, 491441, (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Kotwali, District Rajnandgaon (C.G.).

---- Non-applicant

For Applicants	:	Mr. S.S. Baghel, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

23/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 24/12/2020 in connection with Crime No. 645/2020 registered at Police Station Kotwali, District Rajnandgaon (C.G.) for the offence punishable under Section 294, 323, 506, 307, 34 of IPC.
- 3) Case of the prosecution, in brief, is that the complainant lodged a report that on 17.12.2020, at about 7.15 pm when he was inside his house, he heard several people shouting and fighting, on which, he came outside of his house and saw that the applicants and some other persons were assaulting and abusing his father and brother. On intervening the complainant, they also assaulted him, due to which they received injuries.

- 4) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. He submits on account of some dispute, an altercation took place and the applicants and complainant party assaulted each other. He further submits that the applicants have also lodged counter FIR No.646/2020 against the complainant party under Sections 294, 323, 506 read with Section 34 of the IPC. The applicants were arrested on 24/12/2020. He further submits that co-accused in this case namely Shankar Lal Sahu Alias Rinku Sahu and Giteshwar Sahu Alias Rakesh Sahu have already been granted regular bail by this Court vide order dated 31/03/2021 passed in MCrC No. 1104/2021. He also submits that the applicants have no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he 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, and looking to the counter FIR lodged by the applicants against the complainant, the detention period of the applicants and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, that co-accused in this case have already been granted regular bail by this Court, and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event **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 Govt./State Govt./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**

Chandrakant