

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3323 of 2021

1. Ajay Yadav, S/o Late Ram Kumar Yadav, Aged About 45 Years, R/o Dharam Nagar, Police Station- Tikrapara, District- Raipur, Chhattisgarh.
2. Gopichand Sahu, S/o Shri Chandu Sahu, Aged About 31 Years, R/o Village- Amlidih, Police Station- Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.
3. Dharendra Sahu, S/o Shri Ganesh Ram Sahu, Aged About 40 Years R/o Village- Amlidih, Police Station- Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police of Police Station- Abhanpur, District- Raipur, Chhattisgarh.

---- Respondent

MCRC No. 3639 of 2021

1. Premnath Sahu, S/o Ratan Lal Sahu, Aged About 52 Years, R/o Khorpa, Police Station Abhanpur, District Raipur Chhattisgarh,
2. Shailendra Kurre@ Bablu, S/o Nandkumar Kurre, Aged About 27 Years, R/o Bhatgaon, Police Station- Abhanpur, District Raipur Chhattisgarh.
3. Lalit Kumar Sahu@ Raju, S/o Shri Nandkumar Sahu, Aged About 30 Years, R/o Bhatgaon, Police Station Abhanpur, District Raipur Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police of Police Station Abhanpur, District Raipur Chhattisgarh.

---- Respondent

For Applicants	:	Shri Harshwardhan Parganiha, Advocate
For Non-Applicant/State	:	Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

02.08.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.
- 2) Both parties are connected through video conferencing from the advocate chamber.
- 3) The applicants have preferred these Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as applicants were arrested on 29.01.2021 in connection with Crime No. 458/2020 registered at Police Station- Abhanpur, District Raipur (C.G.) for the offence punishable under Sections 294, 506, 147, 148, 149, 427, 447, 436, 186 & 353 of IPC.
- 4) As per the prosecution case, on 02.12.2020, some unknown persons illegally entered the biscuit factory of the complainant Devesh Jiwani and damaged the motorcycle, water tank, electric wire, bulb, pipe etc. as also set vehicles Tata Magic and scooty on fire, thereby causing loss to the tune of Rs. 10 lakhs to the complainant. During investigation, statements of the witnesses were recorded and on the basis of CCTV footage and the video made with the help of mobile phone, the applicants were found involved in the said incident and arrested by the police.
- 5) It is submitted on behalf of learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case. It is submitted that there is delay of two days in lodging the FIR, there is no criminal antecedent of the applicants and they are in jail since 29.01.2021. Compromise has been arrived at between the parties through execution of memorandum of understanding dated 10.06.2021, the complainant has no objection to release of the applicant on bail, there is no apprehension of their absconding or tampering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time, and, therefore, the applicants be released on bail.
- 6) On the other hand, learned counsel for State opposes the bail applications.

- 7) Heard, learned counsel for the parties.
- 8) In the totality of the facts and circumstances of the case, the nature of allegation levelled against the applicants, the detention period of the applicants, and in particular the compromise arrived at between the parties, the complainant has now no objection to applicants release on bail, the dispute between the parties appears to be labour dispute, there is no criminal antecedent of the applicants, there is no apprehension of the accused/applicants tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and due to COVID-19 situation conclusion of trial may take some time, therefore, without commenting anything on the merits of the case, the applications are allowed.
- 9) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs. 1,00,000/- 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

