

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3100 of 2021**

1. Sannu Mandavi, S/o Budhram Mandavi, aged about 22 Years,
2. Dinesh Modiyam, S/o Lakhmu Modiyam, aged about 20 Years,
3. Kamlesh Modiyam, S/o Sannu Modiyam, aged about 20 Years,

All are R/o Pedakorma, Police Station and District Bijapur,
Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Gangalur, District Bijapur, Chhattisgarh.

----Non-applicant

For Applicant	Shri T.K. Jha, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

12/08/2021

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.27/2020 registered at Police Station Gangalur, District Bijapur, C.G. for the offence punishable under Sections 147, 148, 149, 323, 307, 332, 335, 353 & 120-B of Indian Penal Code and Sections 25 & 27 of the Arms Act.
3. Case of the prosecution, in brief, is that on 20.12.2020, Assistant Constable-Panda Mohunda lodged a report alleging in it that he

received information from the informant that villagers of village Gangalur are assembled and laced with stick, axe, bow and arrow and other arms and going to organize a rally. Thereafter, he proceeded to the spot and found that large number of male and female persons were demonstrating and laced with, knife, axe, iron rod, spade, arrow and bow stick and assaulting to the police personnel. One Savi Muchaki also assaulted upon him by knife. On the basis of aforesaid complaint, offence under the aforesaid Sections were registered against the accused persons.

4. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in jail since 21.12.2020, charge sheet has already been filed, due to COVID 19-pandemic, conclusion of 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. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation made against the applicants, further considering the fact that the applicants are Tribal and they were assembled there only for their demands, the nature of injury sustained by the complainant, the detention period of the applicants, who are 22 &

20 years old, charge sheet has been filed, the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, 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.1,00,000/- with two sureties of Rs.50,000/- 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