

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3120 of 2021

1. Ramesh @ Rameshwar Singh Rajput S/o Bhikham Singh Rajput, Aged About 33 Years,
2. Kaushal Singh Rajput S/o Bhikham Singh Rajput, Aged About 45 Years,

Both R/o Village Bhimpuri, Tahsil Khairagarh, Police Station Chhuikhadan, District Rajnandgaon (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Chhuikhadan, District Rajnandgaon (C.G.).

---- Non-applicant

For Applicants	:	Mr. Hemant Kesharwani, Advocate.
For Non-Applicant/State	:	Mr. Shrestha Gupta, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09/07/2021

- 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 21/04/2021 in connection with Crime No. 91/2021 registered at Police Station Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 294, 506, 323, 452, 34 of IPC.
- 3) Case of the prosecution, in brief, is that on 11/04/2021 at around 7:30 PM the applicants forcibly entered the house of the complainant Trilok Singh Rajput and over the issue of wall they abused filthily, assaulted and threatened them of life of complainant alongwith his father & mother, as a result, of which they sustained injuries on various parts of the body. On report being lodged to the

above effect, offence have been registered against the applicants.

- 4) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 21/04/2021. He also submits that 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 as many as 04 criminal antecedents bearing Crime No. 57/2011 under Section 294, 323, 506 of IPC, Crime No. 234/2013 under Section 294, 323, 506 of IPC, Istagasha No. 55/11 and Istagasha No. 330/2013 under Section 107, 166 of Cr.P.C. were registered at P.S. Chhuikhadan, District Rajnandgaon (C.G.).
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the nature of injuries, the manner in which the incident took place, counter FIR has also been lodged by the applicants, in particular the detention period of the applicants, offence is triable by Magistrate and the fact that the applicants have no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event **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 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