

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3504 of 2021

1. Jatte @ Jethu @ Maniram Nag, S/o Late Benuram Nag, aged 42 years
 2. Kaliram Nag, S/o Late Benuram Nag, aged 39 years
 3. Dhani @ Dhaniram Nag, S/o Late Benuram Nag, aged 47 years
 4. Lakhiram Nag @ Golu, S/o Kaliram Nag, aged 19 years
 5. Ram Nag, S/o Dhaniram Nag, aged 19 years
 6. Chandu Nag, S/o Maniram Nag, aged 23 years
 7. Bablu Baghel, S/o Late Ramesh Baghel, aged 27 years
 8. Manjeet @ Raja Nag, S/o Maniram Nag, aged 29 years
 9. Ranveer Dongra, S/o Raguvveer Dongra, aged 19 years
- All are R/o Near Wardhaman Colony, Akash Nagar, Jagdalpur, District Baster (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, through Station House Officer, Police Station – Bodhghat, Jagdalpur, District Baster (C.G.)

---- State/Non-Applicant

For Applicants : Smt. Renu Kochar, Advocate

For Non-Applicant/State : Ms. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

20.07.2021

1. I.A. No. 04 of 2021, application for grant of permission to engage counsel Shri Rahil Arun Kochar & associates on behalf of the applicants.
2. On due consideration, application (I.A. No. 04/2021) is allowed which is duly supported by affidavit of Jayanti Baghel and Smt. Renu Kochar is permitted to argue this bail application.
3. Jayanti Baghel is present with her counsel Smt. Renu Kochar through video conferencing. Jayanti Baghel is mother of applicant No.7, sister of applicants No. 1 to 3, aunt of applicants No 4 to 6, 8 & 9.
4. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 18.04.2021 in connection with Crime No.

56/2021 registered in Police Station- Bodhghat, District Baster (CG) for the offence punishable under Sections 294, 323, 506-B, 147, 148, 149 of IPC and Sections 25 & 27 of Arms Act.

5. Prosecution case in brief is that complainant party lodged a report that on 10.02.2021 & 11.02.2021, the applicants/accused party quarreled with complainant party on account of not preparing good food in the marriage ceremony. Thereafter on 12.02.2021 in furtherance of their common intention the above applicants assaulted the complainant party by means of iron-rods and sword as a result of which complainant party sustained injuries on their bodies. There is also F.I.R. lodged under Sections 294, 323, 506 (B) read with Section 34 of IPC on 12.02.2021 by the accused party bearing Crime No. 41/2021 in the same Police Station against the complainant party. The applicants/accused party have also sustained injuries.
6. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, the applicants have no criminal antecedents, they are languishing in jail since 18.04.2021, charge-sheet has been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application and submits that the applicants have no criminal antecedents
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the nature of allegations made against the present applicants, there is F.I.R. & counter F.I.R. lodged in the same Police Station by accused party and complainant party against each other, dispute arose between the parties over trivial issue of not making good food in marriage ceremony, the detention period of the present applicants, charge-sheet has already been filed, due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and that the applicants have no criminal antecedents, there is no apprehension of the applicants tampering

with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the application is allowed.

9. 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 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/her 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.

10. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti