

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 4468 of 2021

1. Mahngu Chelkar, S/o Mahtu Chelkar, aged about 46 years
2. Akbar Chelkar, S/o Mahngu Chelkar, aged about 22 years
3. Prmila Chelkar, W/o Mahngu Chelkar, aged about 45 years
4. Anthoni Chelkar, D/o Mahngu Chelkar, aged about 18 years

Caste – Satnami,

All the applicants are residing at- Khairjhiti, Thana – Ratanpur (Kota), District Bilaspur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through – Station House Officer, Police Thana – Kota, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicants : Shri Neraj Choubey, Advocate

For Non-Applicant/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

09.07.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 27.05.2021 in connection with Crime No. 251/2021 registered in Police Station- Kota, Bilaspur (CG) for the offence punishable under Sections 294 323, 307 read with Section 34 IPC.
2. The matter is listed for orders on default.
3. On due consideration, the default as pointed out by the Registry is overruled.
4. Heard on admission.
5. Admit.
6. With the consent of learned counsel for the parties, the matter is heard finally.
7. The prosecution story, in brief, is that complainant Shatrughan Gendle lodged a report that on 03.05.2021 at 09:00 pm, applicant No. 1 Mahngu Chelkar assaulted Ganesh Gendle (father of the complainant) for previous

money transaction. When complainant intervened, all the applicants assaulted the complainant and his family member by means of *lathi* & *tangiya*. One of the applicants gave *tangia* blow on the head of Ganesh Ram Gendle. During intervention, the complainant and his brother & mother have also sustained injuries on their bodies. The applicant No. 1 Mahngu also lodged the counter F.I.R. against the complainant party which was also registered in the same Police Station under Crime No. 250/2021.

8. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, they are in jail since 27.05.2021 and due to Covid-19, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court. He submits that applicants No. 2 & 4 are the student and they are suffering for loss of the study. The date of exam of applicant No. 2 has been declared by the University which is going to be commenced from 12.07.2021 to 16.07.2021. Admit Card and Exam Time Table are filed in the present bail application. He also submits that Punnilal Gendle, Shatrughan Gendle & Mukhni Bai (complainant party) have already been granted regular bail by the trial Court and the certified copy of the bail order marked as Annexure-P/5 in the present bail application. He further submits that an affidavit filed by injured Ganesh Ram Gendle marked as Annexure-A/4 in which he stated that he has no objection to grant of bail to the applicants by this Court.
9. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
10. I have heard learned counsel for the parties.
11. Having regard to the facts and circumstances of the case, the fact that the injured Ganesh Ram Gendle has been discharged from hospital with no any serious complication, Ganesh Ram Gendle has filed an affidavit in which he

stated that he has no objection to grant of bail to the applicants by this Court, the counter F.I.R. lodged by applicant No. 1 against the complainant party in which Punnilal Gendle, Shatrughan Gendle & Mukhni Bai (complainant party) have already been granted regular bail by the trial Court, further considering the detention period of the applicants who are 18, 22, 45 & 46 years old, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, further considering B Ed Exam of applicant No. 2 is going to be commenced from 12.07.2021 to 16.07.2021, without commenting anything on merits of the case, the application is allowed.

12. 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 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.

13. 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.

14. Certified copy today as per rules.

Sd/-
(Gautam Chourdiya)
Judge