

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 3654 of 2021**

- Champa Bai, W/o Bhuneswar Verma, aged about 39 Years, R/o Gram - Kurmi Basa, Thana - Deobhog, District – Gariyaband, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Deobhog, District Gariyaband, Chhattisgarh.

----Non-applicant

MCRC No. 4462 of 2021

- Narobai, W/o Balveer Verma, aged about 47 Years, R/o Gram Kurmi Basa, Thana Deobhog, District Gariyaband, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Deobhog, District Gariyaband, Chhattisgarh.

----Non-applicant

For Applicants	Shri Awadh Tripathi, Advocate.
For State	Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

12/07/2021**MCRC No.4462 of 2021**

1. Heard on admission.
2. The application is admitted for hearing.

3. With the consent of the parties, both the applications are heard finally.
4. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.119/2021 registered at Police Station Deobhog, District Gariyaband, C.G. for the offence punishable under Section 306 read with 34 of Indian Penal Code, they are being disposed of by this common order.
5. Case of the prosecution, in brief, is that Kotwar of village Kurmi Basa lodged a complaint on 30.04.2021 stating in it that one Ghanshayam Verma of his locality committed suicide by hanging himself to a babool tree. He also stated that on 29.04.2021 at about 9:00 pm one Lalit Verma was watching IPL match along with his friend on mobile, at that juncture they heard some quarrel, they went to the spot and saw that one Bhuwan Verma had caught hold of the hands of Ghanshayam Verma and the present applicants along with Bhuwan Verma were beating the deceased. He also stated that due to harassment by the present applicants and co-accused, Ghanshayam Verma (deceased) committed suicide by hanging himself. On report being lodged to the above effect, the aforesaid offence have been registered against the present applicants.
6. 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. The applicants are in jail since 21.05.2021,

charge sheet has already been filed and due to COVID-19 pandemic, conclusion of 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 applications.

8. Heard learned counsel for the parties.

9. Considering the facts and circumstances of the case, the nature of allegations against the present applicants, detention period of the applicants, who are 39 & 47 years of age, charge sheet has already been filed, the fact that 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, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the applications are allowed. 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 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

Akhilesh