

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2734 of 2021**

- Satyanarayan Singh, S/o Somarsai, aged 27 Years, Occupation Service, Caste Kanwar, R/o Village Kalcha, Police Station and Tehsil Udaipur, District Surguja, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Udaipur, District Surguja, Chhattisgarh.

----Non-applicant

MCRC No. 3626 of 2021

1. Lalbahadur, S/o Sheetalram, aged about 19 Years, Occupation Student, Caste Gond, R/o Village Chainpur, Police Station Lakhanpur, District Surguja, Chhattisgarh.
2. Rakesh Rajwade, S/o Ratanram, aged about 20 Years, Occupation Student, Caste Rajwar, R/o Village Tarkeshwarpur, Police Station Premnagar, District Surguja, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Udaypur, District Surguja, Chhattisgarh.

----Non-applicant

MCRC No. 3715 of 2021

- Chaman Narayan Singh, S/o Naresh Singh, aged about 22 Years, R/o Village Jamgala, Tahsil Lakhanpur, District Surguja, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Udaipur, District Surguja, Chhattisgarh.

---Non-applicant

MCRC No. 4326 of 2021

1. Tuleshwar Singh Painkra, S/o Shri Panchratan Singh Painkra, aged about 21 Years, Caste- Kanwar, Occupation- Agriculturist, R/o Village Jaamdih, Police Station and Tahsil Udaipur, District Surguja, Chhattisgarh.
2. Vikas Kumar Painkra, S/o Shri Anand Kumar Painkra, aged about 21 Years, Caste- Kanwar, Occupation - Agriculturist, R/o Village Kalcha, Police Station and Tahsil Udaipur, District Surguja, Chhattisgarh.

----Applicants

Versus

- The State of Chhattisgarh, Through The Station House Officer, Police Station Udaipur, District Surguja, Chhattisgarh.

----Non-applicant

For Applicants	Mr. Shakti Raj Sinha, Mr. Rahul Mishra, Mr. Anurag Singh and Mr. Neeraj Mehta, Advocates for the respective applicants.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya 

Order on Board

10/08/2021

1. As all these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.49/2021 registered at Police Station Udaipur, District Surguja, C.G., for the offence punishable under Sections 147, 148, 149, 294, 307, 323, 325, 395 & 506 of Indian Penal Code, they are being disposed of by this common order.
2. Case of the prosecution, in brief, is that on 12.03.2021 at about 7:00 pm when Ankit, a worker in the hotel of the complainant

Sabbir Hasan, went to throw the garbage, he was beaten by three unknown boys who were pacified by the complainant and others. However, on the next day i.e. 13.03.2021, 10-15 boys, out of whom three were the boys who had beaten Ankit, armed with club, stick and crowbar forcibly entered the hotel of the complainant abusing filthily and started assaulting the complainant, his father, Sabbar Ali and Gulam Abbas. One of the assailants assaulted the complainant with intention to kill him on his head with a club. The accused persons also looted 14-15 thousand rupees of the complainant and thereafter fled from there threatening them of life.

3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They submit that the essential ingredients for attracting the alleged offence under Section 307 of IPC are missing in this case. Applicants are in custody since 13.03.2021, 14.03.2021, 15.03.2021 & 02.04.2021 respectively, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the fact

that on the previous day of incident the worker of the complainant namely Ankit was beaten by some of the accused persons when he had gone out of the hotel to throw garbage and he was rescued by the complainant with the help of other villagers, the next day i.e. 13.03.2021 the applicants along with other co-accused persons assaulted the complainant and other victims, no any injury on vital part of the complainant or other victims was caused, the nature of injury sustained by father of the complainant on his hands, the detention period of the applicants, who are 19, 20, 21, 22 & 27 years old respectively, charge sheet has 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 counsel for the parties and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, all the bail applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh