

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4657 of 2021

1. Premlal Nishad, S/o Shambhuram Nishad, Aged About 32 Years, R/o Village and Police Post Karelibaldi, Police Station Magarlod, District- Dhamtari, Chhattisgarh.
2. Pradeep Jamre, S/o Late Hiralal Jamre, Aged About 42 Years, R/o Village and Police Post Karelibaldi, Police Station Magarlod, District- Dhamtari, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Post Karelibaldi, Police Station Magarlod, District- Dhamtari, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Arun Kumar Shukla, Advocate

For Non-Applicant/State : Shri C. B. Kesharwani, P. L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

24.08.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 18.06.2021 in connection with Crime No.94/2021 registered at Police Station- Magarlod, District- Dhamtari (C.G.) for the offence punishable under Section 294, 323, 506, 326, 34 of IPC.
- 2) Case of the prosecution, in brief, is that on 29.03.2021 during Holi celebrations the applicants who were in intoxicated condition abused the complainant party filthily and assaulted them with hands and fists. It is alleged that applicant Premlal Nishad caught and dragged the victim Preetam Kumar Sahu. Thereafter, the applicant Pradeep Jamre with intention to kill the victim

Preetam poured hot water on his right leg due to which complainant received burn injuries and he was admitted in hospital.

- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that charge-sheet has already been filed, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 18.06.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-applicant/State opposes the bail application and submits that the applicants have no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicants, the nature of injuries sustained by the victim- Preetam Kumar Sahu, relation with the same incident one FIR bearing Crime No.91/2021 was also lodged by mother of the applicant Premlal Nishad against the complainant party, charge-sheet has already been filed, victim was discharged from the hospital without any complication on 13.04.2021 whereas incident took place on 29.03.2021, investigation is complete, the detention period of the applicants, who are 32 & 42 years and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) 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 the following conditions:-

- (a) 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,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Nadim