

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 4828 of 2021**

1. Shivram son of Krishna Prasad, aged about 24 years,
 2. Krishna son of Satav Ram, aged about 50 years,
- Both are resident of Village- Navki, Police Station & Tahsil- Rajpur, District- Balrampur-Ramanujganj (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station- Rajpur, District- Balrampur-Ramanujganj (C.G.)

---- State/Non-Applicant**M.Cr.C. No. 5859 of 2021**

1. Ropan son of Mangal Nag, aged about 40 years Caste- Nagesiya, Resident of Village- Kanda, P.S. - Pasta, Tahsil- Balrampur, District- Balrampur-Ramanujganj (C.G.)
2. Karan @ Ramdev son of Bhikan, aged about 26 years Caste- Godh, Resident of Village- Navki, Tahsil & Police Station – Rajpur, District- Balrampur-Ramanujganj (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Station- Rajpur, District- Balrampur-Ramanujganj (C.G.)

----State/Non-Applicant**And****M.Cr.C. No. 6316 of 2021**

1. Hukum Porte S/o Late Shikari Ram Porte aged about 30 years R/o Village Navki, Tehsil Rajpur District Balrampur Ramanujganj (C.G.)
2. Pappu S/o Kawalsai Aged about 22 years R/o Village Navki, Tehsil Rajpur, District Balrampur Ramanujganj(C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, through: Police Station Rajpur, District Balrampur, Ramanujganj (C.G.)

For Applicants	:	Shri Jitendra Shrivastava, Advocate appears in M.Cr.C. No. 4828/2021 & M.Cr.C. No. 5859/2021
For Applicants	:	Shri Manoj Pranjpe, Advocate appears in M.Cr.C. No. 6316/2021
For Non-Applicant/State	:	Shri Anand Verma, Dy. Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

19.08.2021

1. M.Cr.C. No. 4828/2021 & M.Cr.C. No. 5859/2021 have already been admitted for hearing.
2. M.Cr.C. No. 6316/2021:

Heard.

Admit.
3. With the consent of learned counsel for the parties, all three above bail applications are heard finally.
4. As all three above first bail applications under Section 439 of Cr.P.C. preferred by the respective applicants arise out of the same Crime No. 97/2021 registered in Police Station- Rajpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 147, 186, 189, 294, 506, 332, 269, 353, 270, 188, 336, 307 of IPC and Section 3 of Epidemic Act, they are being disposed of by this common order.
5. As per the case of prosecution, an F.I.R. was lodged by one Devkumar Kujur on 25.05.2021 alleging that on 24.05.2021 at about 11:45 pm when the police personnel were out for patrolling at night, they received a secret information that a wedding ceremony is being celebrated in the house of one Sarju Nageshiya at Banathpara and the said function is being carried out without adhering the protocol of the Covid-19 pandemic even after imposition of night lockdown. The police personnel upon reaching the spot at 04:00 am tried to amicably sort out the situation and tried to stop the function as the people were large in numbers further more they were not wearing any mask and where playing the DJ in loud sound. The police personnel while trying to stop the said function were abused for their act and subsequently were attacked by the people in the wedding function, thereafter a person

named Govind attacked a police constable namely Parmeshwar Dubey with a *lathi* from behind due to which he sustained grievous injuries on his head and the entire crowd of 13 to 14 people abused and assaulted the police mercilessly and were given the life threat.

6. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 25.05.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
7. On the other hand, learned counsel for the Non-Applciant/State opposes the bail applications and submits that as per orders impugned, the applicants have no criminal antecedents.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the fact that injured- Parmeshwar Dubey sustained one lacerated wound on right tempo-parietal region of his skull in size of 8 x 1 x 0.5 cm which was caused by co-accused Govind and no any assault was made by the present applicants, the age and detention period of the applicants who are 22, 24, 26, 30, 40 & 50 years old, they are villagers, the dispute arose on the occasion of marriage function, the fact that as per orders impugned, 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, charge-sheet has already been filed and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the bail applications are allowed.
9. 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.

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.

11. In result, M.Cr.C. No. 4828 of 2021, M.Cr.C. No. 5859 of 2021 & M.Cr.C. No. 6316 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge

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