

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4941 of 2021**

1. Baharu, S/o Gautriha Sinha, aged about 70 Years,
2. Tikeshwar, S/o Baharu Sinha, aged about 50 Years,
3. Hemlal, S/o Baharu Sinha, aged about 44 Years,
4. Lalit, S/o Chaitram Sinha, aged about 23 Years,

All are R/o Village Tolagaon, Out Post Tumdibod, Thana Lalbag, District Rajnandgaon, Chhattisgarh.

---Applicants

Versus

- State of Chhattisgarh, Through Out Post Tumdibod, Thana Lalbag, District Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicants
For State

Shri Samir Singh, Advocate.
Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

30/07/2021

1. The matter is heard through Video Conferencing.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.183/2021 registered at Police Outpost Tumdibod, Thana- Lalbag, District Rajnandgaon, C.G. for the offence punishable under Sections 294, 323, 326, 506 read with 34 of Indian Penal Code.
3. As per the prosecution case, on 09.05.2021, complainant-

Krishnakant lodged a report against the present applicants alleging that on 09.05.2021, applicants came to his field, started quarreling with him to make fence near his field, threatened him of life and assaulted upon him by wooden stick, spade and tangiya, as a result of which complainant sustained injuries on his body.

4. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that applicants are languishing in jail since 19.06.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time. Therefore, applicants be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, further considering the fact that both the parties lodged the complaint against each other, the nature of injury allegedly caused by the applicants, the injured was discharged from hospital after ten days only, the detention period of the applicants, who are 70, 50, 44 & 23 years old, 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 both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the application is allowed. 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:-

- (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