

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5248 of 2021

1. Jagdish Prasad Sahu, S/o Shri Amarnath Sahu, aged about 23 years, R/o Semriya, P.S. Sarsiwa, District Balodabazar (C.G.)
2. Pradeep Kumar Sahu, S/o Shri Amarnath Sahu, Aged about 22 years, R/o Semriya, P.S. Sarsiwa, District Balodabazar (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through P.S. City Kotwali, District Baloda Bazar (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Pragalbha Sharma, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

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

06.08.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 05.07.2021 in connection with Crime No. 851/2020 (wrongly mentioned as 2021 in order sheet) registered in Police Station- City Kotwali, Baloda Bazar (CG) for the offence punishable under Sections 294, 506, 323, 186, 353, 332 read with Section 34 of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984.
2. As per prosecution case, on 05.12.2020 the applicants have assaulted and abused the doctors, nurses and staff of District Hospital Baloda Bazar. It is further alleged that they have deterred the staff from discharging their duties and caused damage to the government property.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime. He submits that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 05.07.2021, charge-sheet has 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.

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. Considering the facts and circumstances of the case, looking to the nature of injuries sustained by injured persons were simple in nature, due to father of the applicants died in the hospital, the dispute arose between the applicants and staff of the hospital, that the detention period of the applicants who are 22 & 23 years old, the fact that 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 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.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 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.
7. 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.

Sd/-
(Gautam Chourdiya)
Judge