

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5172 of 2021

1. Rathram S/o Panchram, Aged About 40 Years, R/o Village Khamhariya, Police Station Baradwar, District Janjgir-Champa (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O., Police Station Baradwar, District Janjgir-Champa (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For Non-Applicant/State	:	Mr. Shrestha Gupta, P.L.

MCRC No. 5276 of 2021

1. Jai Prakash Dhanuhar S/o Indal Dhanuhar, Aged About 25 Years, R/o Khamhariya, Police Station Baradwar, District Janjgir-Champa (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Baradwar, District Janjgir-Champa (C.G.).

---- Non-Applicant

For Applicant	:	Ms. Nirupama Bajpai, Advocate.
For Non-Applicant/State	:	Mr. Shrestha Gupta, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

05/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both these First Bail Applications arise out of the same crime number, they are being disposed of by this common order.
- 3) Applicants have filed these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as

applicants are in jail since 29/06/2021 in connection with Crime No. 131/2021, registered at Police Station Baradwar, District Janjgir-Champa (C.G.) for the offence under Section 294, 186, 506, 353, 332/34 of Indian Penal Code.

- 4) Allegation against the present applicants is that they alongwith other co-accused persons assaulted the Police party with hands and fists, stones abused them filthily and threatened them of life on 27/04/2021 when they went to the spot for seizure of illicit liquor.
- 5) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. They submit that out of total 5 accused persons 3 of them have already been granted regular bail by the Court below. They further submit that applicants are in jail since 29/06/2021 and due to Covid-19 Pandemic conclusion of trial is likely to take some time for its disposal. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail applications. However, he submits that the applicants have 01 criminal antecedent under the Excise Act.
- 7) I have heard learned Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegations against the applicants, the detention period of the applicants who are 40 and 25 years old respectively, the 03 co-accused have already been granted bail by the Court below, the applicants having 01 criminal antecedent under the Excise Act, the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **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,
- iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- iv. 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

Chandrakant