

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 3625 of 2021**

1. Sanjay Kurrey son of Omprakash Kurrey aged about 32 years, resident of village Binaika, Chowki-Malhar, Police Station Masturi, District Bilaspur (C.G.)
2. Rajesh Kurrey, son of Omprakash Kurrey, aged about 28 years, resident of village Binaika, Chowki-Malhar, Police Station Masturi, District Bilaspur (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station Masturi Chowki Malhar, District Bilaspur (C.G.)

---- State/Non-Applicant**And****M.Cr.C. No. 5228 of 2021**

1. Bhav Singh Kurrey S/o Om Prakash Kurrey, aged about 19 years, R/o Village – Benaika, Chouki-Malhar, Police Station – Masturi, District Bilaspur (C.G.)
2. Lalla @ Dhirendra Tandone S/o Purshotam Tandone aged about 19 years, R/o Village- Daganiya, Chouki-Malhar, Police Station- Masturi, District Bilaspur (C.G.)

---- Applicants**Versus**

- The State of Chhattisgarh Through : Thana In charge Police Station Masturi, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicants : Shri Rohit Sharma, Advocate

For Non-Applicant/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****01.09.2021**

1. Heard.
2. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same crime number i.e. 94/2021 registered in Police Station- Masturi Chowki Malhar, District Bilaspur (CG) for the offence punishable under Sections 294, 506B, 323, 450, 307, 147,

148 of IPC, they are being disposed of by this common order.

3. Case of the prosecution is that complainant Rameshwar Koshale made a complaint to the concern police station alleging that on 09.03.2021, he and his family member were gone for the work of making bricks at bricks-bhatta, Ranchi Jharkhand alongwith applicants and their father Omprakash Kurrey. On the same day, when they were returned from their works, on the way, the applicants were abusing the complainant and his family members, threatened them to kill and the applicants assaulted the complainant and his family members by means of stones. On the next day i.e. 10.03.2021, in a planned manner, the applicants and other co-accused again went to the house of the complainant carrying with *lathi*, *danda*, rod and assaulted the complainant and his family members as a result of which six persons of complainant's family sustained injuries on their bodies. Hence, on report being lodged to the above effect, the aforesaid offences have been registered against the applicants.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime. He submits that applicants also lodged the counter F.I.R. against the complainant party which was registered under Crime No. 93/2021 in the same Police Station. He also submits that applicants are languishing in jail since 10.03.2021 & 21.03.2021, charge-sheet has already been filed and due to Covid-19 conclusion of the 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 applications and submits that the applicants have one criminal antecedents.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the nature of allegations made against the present applicants and nature of injuries sustained by the injured who were discharged from hospital in three days, there are F.I.R. & counter F.I.R. lodged in the same Police Station by accused party and complainant party

against each other, the detention period of the present applicants who are 19, 28 & 32 years old, charge-sheet has already been filed, due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the applications are allowed.

7. 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.

8. 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.

9. In the result, M.Cr.C. No. 3625/2021 & M.Cr.C. No. 5228/2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge