

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3268 of 2021**

- Nazar Sahu, S/o Kejha Sahu, aged about 78 Years, R/o Village Bahbaliya, Chowki, Damapur, Police Station Kunda, District Kabirdham, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Kunda, District Kabirdham, Chhattisgarh.

----Non-applicant

MCRC No. 5376 of 2021

1. Santram, S/o Late Kejha Sahu, aged about 71 Years, R/o Village Bahbaliya, Police Station Kunda, Tehsil Pandariya, District Kabirdham, Chhattisgarh.
2. Parmanand, S/o Santram Sahu, aged about 42 Years, R/o Village Bahbaliya, Police Station Kunda, Tehsil Pandariya, District Kabirdham, Chhattisgarh.
3. Murlidhar, S/o Santram Sahu, aged about 38 Years, R/o Village Bahbaliya, Police Station Kunda, Tehsil Pandariya, District Kabirdham, Chhattisgarh.

---Applicants

Versus

- State of Chhattisgarh, Through District Magistrate, Kabirdham, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

----Non-applicant

For Applicants Shri Anish Tiwari, Advocate.

For State Shri C.B. Kesharwani, Panel Lawyer.

For Objector Shri Anil Gulati, Advocate.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

17/08/2021

1. As both these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.19/2021 registered at Police Station Kunda, District Kabirdham, C.G., for the offence punishable under Sections 452, 436, 323, 294, 506 read with 34 of Indian Penal Code, they are being disposed of by this common order.
2. Allegation against the present applicants is that on 27.01.2021 they went to the house of complainant, abused her filthily, beat her and family members and set her kitchen on fire. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the present applicant along with other co-accused persons.
3. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in the case. He submits that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in custody since 20.04.2021 & 08.07.2021 respectively, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State as well as the Objector counsel oppose the bail applications. However, State counsel submits that applicant Santram has certain criminal antecedents whereas the other applicants have no criminal

antecedents.

5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the present applicants, further considering the fact that dispute arose as the applicants raised a quarrel with the complainant for breaking the marriage of grand daughter of applicant- Nazar Sahu which was fixed in village Kolegaon, the detention period of the applicants, who are 78, 71, 42 & 38 years old, charge sheet has been filed, the fact that the applicants- Nazar Sahu, Parmanand & Murlidhar have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, both the bail applications are allowed. 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 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh