

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6137 of 2021

1. Gyan Pandey @ Diwan Pandey S/o- Gujram Chauhan Aged about 46 years, R/o Kamarga, P.S. & Tahsil Lailunga, District Raigarh
2. Vishwanath Chauhan S/o Diwan Pandey Age- 20 years (Wrongly mentioned in Order copy as 46 years) R/o Kamarga, P.S. & Tahsil- Lailunga District Raigarh

---- Applicants

Versus

- State of Chhattisgarh Through Officer-in-charge Police Station- Lailunga, District Raigarh (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Ashutosh Mishra, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

14.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 22.04.2021 in connection with Crime No. 121/2021 registered in Police Station- Lailunga, District Raigarh (C.G.), for the offence punishable under Sections 294, 324, 506, 458, 307 read with Section 34 of IPC.
2. Allegation against the present applicants is that on 21.04.2021 at about 08-09:00 pm, the applicants entered the house of complainant Rajkumari Chauhan and started abusing her husband Nehru Chauhan over a land dispute. Thereafter, a quarrel took place between the applicants and the husband of the complainant. It is alleged that the applicants assaulted the husband of the complainant with hands and fists, and also tried to assault him with *tangi* as a result of which the husband of the complainant sustained injury on his head.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, 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 22.04.2021, charge-sheet has already 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. Having regard to the facts and circumstances of the case, considering the nature of injury sustained by injured Nehru Chauhan, he was admitted in hospital on 22.04.2021 and discharged from hospital on 25.04.2021, he remained in hospital for three days only, the detention period of the applicants who are 20 & 46 years old, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time, and the fact that the applicants have no criminal antecedent, 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 bail 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

vatti