

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5494 of 2021

1. Shabina D/o Subhan Khan, Aged About 23 Years, R/o Birkona, Nawapara, Police Station Pandariya, Tahsil Pandariya, District Kabirdham (C.G.).
2. Sakunat Bi W/o Subham Khan, Aged About 63 Years, R/o Birkona, Nawapara, Police Station Pandariya, Tahsil Pandariya, District Kabirdham (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through District Magistrate, Kabirdham/ Station House Officer, Police Station Pandariya, District Kabirdham (C.G.).

---- Non-applicant

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate.
For Non-Applicant/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

17/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 8975/2020 was dismissed as withdrawn on 27/01/2021.
- 3) Applicants are in jail since 06/11/2020 & 10/11/2020 respectively in connection with Crime No. 222/2020 registered at Police Station Pandariya, District Kabirdham (C.G.) for the offence punishable under Section 307, 34 of Indian Penal Code.
- 4) Allegation against the present applicants is that on 06/11/2020 at about 08:30 AM they committed Maarpet with the complainant Mahmuda Bi over land dispute, as a result of which complainant

sustained injuries over head, ring finger of left hand, fracture on little finger and blood was oozing out of ear. On report being lodged to the above effect, offence have been registered against the applicants.

- 5) Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 06/11/2020 & 10/11/2020 respectively. He also submits that charge sheet has been filed, applicants have no criminal antecedents, there is no apprehension of the applicants tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.
- 6) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, the nature of injury allegedly caused by the applicants, the injured was discharged from Hospital within 5 days, in particular the detention period of the applicants, charge sheet has already been filed and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the Counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **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 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 Govt./State Govt./Local Authority and
- 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 similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant