

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5140 of 2021

- Vishwas Sonwani, S/o Late Shri Shiv Prasad Soni, Aged About 32 Years, Caste - Sarthi, Residence of New Loco Colony, House No. 724/1 Bilaspur Tahsil and District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station - Khairagarh, District – Rajnandgaon, Chhattisgarh. **---- Non-applicant**

MCRC No. 5492 of 2021

- Ajay Soni, S/o Harichandsoni, Aged About 32 Years, R/o Ward No.3, Tikaripara, Takhatpur, Police Station- Takhatpur, District- Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Non-Applicant

MCRC No. 5776 of 2021

1. Abhishek Kenwat, S/o Laxmichand, Aged About 21 Years, Resident of Takhatpur, Police Station Takhatpur, District Bilaspur Chhattisgarh.
2. Abhinesh Das @ Golu, S/o Anil Das, Aged About 35 Years,
3. Raix Saimbl @ Golu, S/o Anil Das, Aged About 40 Years,
4. Pilas Masih @ Goldi, S/o Pradeep Masih, Aged About 36 Years,

Applicant No. 2 to 4 are resident of Village- Baitalpur, Police Station- Sargaon, District- Mungeli, Chhattisgarh.
5. Mukesh Nirmalkar, S/o Rajkumar Nirmalkar, Aged About 25 Years, Resident of Ranipara Ratanpur, Police Station Ratanpur, District- Bilaspur, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- **Non-Applicant**

For Applicants	: Shri Vineet Kumar Pandey and Shri Ravi Maheshwari, Advocates
For Non-Applicant/State	: Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

11.08.2021

- 1) Since all these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail in connection with Crime No. 174/2021 registered at Police Station- Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Sections 279, 337, 427, 429, R/w 34 of IPC, Section 4, 6, 10 of C.G. Krishi Pashu Parirakshan Adhiniyam 2004 and Section 11 of Pashu Atyachar Nivaran Adhiniyam 2004.
- 3) Case of the prosecution, in brief, is that when the complainant was sleeping in his home, he heard sound of hitting of house by vehicle, he rushed outside and saw that one truck bearing registration number MP 66H 0895 dashed his house and caused damage to it, the complainant also seen the 32 number of cattle were brutally stuffed in the said vehicle of which one calf was dead and one was injured.
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that applicants have no

criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 12.05.2021 & 21.06.2021, only applicant Vishwas Sonwani has been released on interim bail 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.

- 5) On the other hand, learned counsel for the Non-applicant/State opposes the bail applications.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicants, the detention period of the applicants, who are 21, 25, 32, 35, 36, 40 & 42 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and due to Covid-19 pandemic conclusion of trial may take some time, the applications are allowed.
- 7) It is directed that in the event 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:-
 - (a) 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,
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
 - (d) they shall not involve themselves in any offence of similar nature in future,

(e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Nadim