

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

M.Cr.C. No. 5417 of 2021

1. Harish Patre S/o Budharu Patre, aged about 45 years,
2. Chandrashekhar Patre S/o Harish Patre, aged about 20 years,
3. Chandrahas Patre S/o Harish Patre, aged about 18 years

All R/o Village Kukradih, Police Station Tumgaon, Tahsil and District Mahasamund (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Tumgaon, District Mahasamund (C.G.)

---- State/Non-Applicant

For Applicants : Shri Anil Singh Rajput, Advocate

For Non-Applicant/State : Shri C.B. Kesharwani, Panel Lawyer

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

23.08.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 10.07.2021 in connection with Crime No. 144/2021 registered in Police Station- Tumgaon, District Mahasamund (CG) for the offence punishable under Sections 294, 323, 325, 326, 506 read with Section 34 of IPC.
2. Prosecution case in brief is that on 10.07.2021, the present applicants threatened Sunil Chelak and Tulsi Bai by using filthy language and assaulted them by means of *danda* as a result of which they sustained greivous injuries.
3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 10.07.2021, and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail. He further submits that the applicants' party

also lodged F.I.R. against the complainant party in the same Police Station which was registered under Sections 294, 323, 506, 34 of IPC under Crime No. 143/2021. He also submits that Sunil Chelak had tried to outrage the modesty of daughter of applicant No.1, therefore, the applicants' party went to the house of complainant party for giving information of act of Sunil Chelak and the complainant party lodged the F.I.R. against the applicants' party.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that applicant No. 1 has 03 old criminal antecedents of the years 2012, 2017 & 2020 in which two is under the IPC and one is under the Gambling Act and applicant No.2 has 01 old criminal antecedent of the year 2017 under the IPC.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the nature of injuries sustained by complainant Sunil Chelak, he sustained two lacerated wounds which were simple in nature and one fracture on his elbow, the injuries sustained by the complainant were not on the vital part of his body, there is also F.I.R. lodged by applicant No. 3 Chandrahas Patre in the same police station against the complainant party which registered under Sections 294, 323, 506, 34 of IPC under Crime No. 143/2021, the detention period of the present applicants who are 18, 20 & 45 years old, conclusion of the trial is likely to take some time, and the fact 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 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.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 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