

HIGH COURT OF CHHATTISGARH, BILASPUR

Proceedings through Video Conferencing

MCRC No. 5499 of 2021

1. Nanki W/o Shankar Biyar Aged About 44 Years
2. Bindu W/o Ramkishun Aged About 45 Years

Both are R/o Village Lodhi, Police Post Wadrufnagar, Police Station Basantpur District Balrampur Ramanujanj Chhattisgarh.,

---- Applicants

(In Jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Post Wadrufnagar, Police Station Basantpur, District Balrampur Ramanujanj, Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri Arun Kumar Shukla, Advocate.
For State	:	Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Gautam Chourdiya, J

Order On Board

23/08/2021

The applicants have preferred this first bail application under Section 439 of CrPC as they are in jail since 21.6.2021 in connection with Crime No.84/2021 registered at Police Station – Basantpur, Distt. Balrampur-Ramanujanj (CG) for the offence punishable under Sections 147, 148, 149, 294, 506, 323, 332, 307/34 of IPC.

02. Case of the prosecution, in brief, is that as the accused persons were illegally ploughing the agriculture field of the complainant party, on 7.6.2021 at around 8 am, the complainant party reached there and

objected to it. Thereupon, the accused persons including the applicants having abused them filthily started assaulting them with club, crowbar and axe and also threatened them of life.

03. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in this case. No act as alleged has been committed by the applicants. In fact, there is a land dispute between the parties and by false implication of the applicants they want to dispossess them from their land. The complainant party was aggressor in this case, even as per statements of the witnesses the applicants did not make any assault on the complainant party, the applicants are languishing in jail since 21.6.2021, charge sheet has not yet been filed, there is no apprehension of the applicants tampering with the prosecution evidence or absconding and due to Covid-19 conclusion of the trial is likely to take some time. Therefore, the applicants may be released on bail.

04. On the other hand, learned counsel for the State opposes the bail application.

05. Heard learned counsel for the parties.

06. Considering the facts and circumstances of the case, the fact that witnesses have stated that it is co-accused Ramkishun, Shankar, Hukumchand and others who made assault on the victims and victim Bharat Kishore Patel suffered undisplaced fracture of 11th rib of left side and victim Ramlal Patel sustained displaced fracture of right radius and ulna shaft, but except general and omnibus allegations there is no specific allegation against the applicants regarding assault being made

on the victims, the detention period of the applicants who are woman aged about 44 and 45 years, there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, 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/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.

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