

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

M.Cr.C. No. 5488 of 2021

1. Nikhil Sahu, S/o Late Shri Bhuneshwar Sahu, aged about 19 years, Occupation Business
2. Nilesh Sahu, S/o Misrilal Sahu, aged about 19 years, Occupation Student
3. Kamlesh Yadav, S/o Dhanilal Yadav, aged about 19 years and Occupation Student
Applicants No. 1 to 3 are R/o Darripara, Police Chowki Manipur, PS Kotwali, Ambikapur, District Surguja (CG)
4. Aankush Sahu, S/o Ajay Sahu, aged about 19 years, Occupation Business
R/o Manipur, Police Chowki Manipur, PS Kotwali, Ambikapur, District Surguja (CG)

---- Applicants

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Chowki Manipur, PS Kotwali, Ambikapur, District Surguja (C.G.)

---- State/Non-Applicant

For Applicants : Shri Jitendra Shrivastava, Advocate

For Non-Applicant/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.08.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 19.07.2021 in connection with Crime No. 624/2021 registered in Police Station- Police Chowki Manipur, PS Kotwali, Ambikapur, District Surguja (CG) for the offence punishable under Sections 452, 323, 427, 147, 148 149 & 307 of IPC.
2. Prosecution case in brief is that on 17.07.2021 complainant Shambunath Kushwaha lodged the F.I.R. alleging that on 16.07.2021 at about 11:00 pm the presents applicants alongwith other co-accused persons entered into his house forcibly by breaking the door and started abusing and assaulting him and his wife as a result of which they sustained injuries.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime. He also submits that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants are languishing in jail since 19.07.2021 and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail. He also submits that there is also F.I.R. lodged by applicants' party against the complainant party which was also registered in the same Police Station under Crime No. 627/2021 in the same police station.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicants have no criminal antecedents.
5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the fact that the injured persons sustained injuries on different parts of their bodies which were simple in nature and there were no fractures or bony injuries found on their bodies, that the F.I.R. also lodged by applicants' party against the complainant party, further considering the detention period of the applicants who are 19 years old and they are students, 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 counsels 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.
7. 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.

8. 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