

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5956 of 2021

1. Lalla @ Chandrashekhar Mairisa S/o Govardhan Dewangan, Aged About 21 Years,
2. Bhupendra Kurre S/o Shri Durgadas, Aged About 36 Years,
3. Raju Mairisa @ Hemraj S/o Shri Sadhuram Mairisa, Aged About 38 Years,
4. Kishan @ Jai Kishan Mahilang (Maheshwari) S/o Doman Kumar Maheshwari, Aged About 21 Years,

All Both are R/o Gram Seoni, Thana Mujgahan, Tahsil And District Raipur (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, P.S. Mujgahan, District Raipur (C.G.).

---- Non-applicant

For Applicants	:	Mr. Awadh Tripathi, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

22/09/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 13/06/2021 in connection with Crime No. 109/2021 registered at Police Station Mujgahan, District Raipur (C.G.) for the offence punishable under Sections 325, 307 read with Section 34 of Indian Penal Code.
- 2) Allegation against the applicants are that on 10/06/2021 at about 7 PM at village Sivni, District Raipur (C.G.), the applicants due to previous enmity with victim Harish Tandon abused him, assaulted him with rod on his forehead in an attempt to commit his murder. As a result of which he suffered injuries over his forehead and other

parts of the body. On report being lodged to the above effect by the complainant Basant Tandon, father of the victim, the aforesaid offence has been registered against the present applicants.

- 3) Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case by the complainant Basant Tandon. The ingredients necessary for attracting the offence under Section 307 of Indian Penal Code are missing in this case. The applicants were arrested on 13/06/2021. He also submits that applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding, charge sheet has already been filed and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be also released on bail by this Court.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the incident took place over previous enmity between the parties, as per medical report only one injury i.e. lacerated wound was found over the forehead of the victim Harish Tandon whereas he was allegedly assaulted by the applicants, four in number, the injured was discharged from Hospital within 6 days without any complications, the detention period of the applicants who are 21, 36, 38 & 21 years old respectively, 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. 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:-

- 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, 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 Govt./State Govt./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**

Chandrakant