

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5936 of 2021

- Nisar Ahmed @ Raju Ahmed @ Bouncer, Aged About 36 Years, R/o Magarpara, Police Station- Civil Lines, Tehsil & District Bilaspur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station Civil Lines, District- Bilaspur, Chhattisgarh.

---- Non-Applicant

MCRC No. 6178 of 2021

- Vikram Singh Yadav @ Vikki, S/o Preetam Singh Yadav, Aged About 27 Years, R/o Talapara Yadav Mohalla, Thana Civil Line, Tahsil & District- Bilaspur (C.G.). **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Station Civil Line, Tahsil & District- Bilaspur (C.G.). **---- Non-Applicant**

For Applicants : Shri Sushobhit Singh and Shri Vikas Pandey, Advocates

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

24.09.2021

- 1) Since both 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 since 23.06.2021 & 17.07.2021 in connection with Crime No. 603/2021 registered at Police Station- Civil Lines, District- Bilaspur (C.G.) for the offence punishable under Sections 294, 506, 323, 307, 34 of IPC.

- 3) Case of the prosecution, in brief, is that on 23.06.2021 at night 12.30 the present applicants alongwith other co-accused due to old enmity assaulted the brother of the complainant Domeshwar Shriwas @ Chotu Shriwas, with wooden log, hands & fists as a result of which victim sustained number of injuries on forehead, neck & back. On report being lodged to the above effect the aforesaid offence has been registered against the present applicants and during investigation the accused persons were arrested.
- 4) Learned counsel for the applicants submits 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. Dispute arose between the parties over theft of petrol from motorcycle of applicant Nisar Ahmed @ Raju Ahmed. There is no likelihood of the their tampering with the prosecution evidence or absconding and they are in jail since 23.06.2021 & 17.07.2021 and due to Covid-19 pandemic, trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State vehemently 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 present applicants, the nature of injuries sustained by the victim i.e. simple, dispute arose between the party over stealing of petrol from bike of the applicant Nisar Ahmed @ Raju Ahmed, 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, without commenting anything on merit of the case, the applications are allowed.
- 7) 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:-

- (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