

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5951 of 2021**

1. Raja Tiwari S/o Late Ramsevak Aged About 19 Years R/o Rajeev Nagar, Near Jai Stambh, Camp- 1, Bhilai, Police Station- Chhawani, Tahsil And District- Durg, Chhattisgarh.
2. Suraj Tiwari S/o Late Ramsevak Tiwari Aged About 18 Years R/o Rajeev Nagar, Near Jai Stambh, Camp- 1, Bhilai, Police Station- Chhawani, Tahsil And District- Durg, Chhattisgarh. **---- Applicants**

Versus

State Of Chhattisgarh Through The District Magistrate- Durg, Chhattisgarh. **---- Non-Applicant**

For Applicants: Shri PK Dhurandhar, Advocate.
For Non-Applicant/State: Dr (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09.09.2021

1. The Applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.183/2021 registered at Police Station Chhawani, District Durg, C.G. for the offence punishable under Sections 307, 324, 294 & 506/34 IPC and under Sections 25 & 27 of Arms Act.
2. Allegation against the present Applicants is that on 09.04.2021 at about 6.30 p.m near Manik Hotel, Shastri Nagar, Camp-1, they assaulted the brother-in-law of the Complainant namely Sunny Baghel with knife and rod by using filthy language and threatening him for his life.
3. Learned Counsel for the Applicant wants to withdraw this bail application with regard to Applicant No.1-Raja Tiwari. He submits that Applicant No.2-Suraj Tiwari has no connection with the crime in question

at all and has been falsely implicated in the same for which, he is in jail since 10.04.2021 and due to COVID-19 pandemic conclusion of trial is likely to take some time, therefore, he may be released on bail.

4. On the other hand, learned State Counsel opposed the bail application. She however, submits that Applicant No.2- Suraj Tiwari has no criminal antecedents against him.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the fact that all the injuries found on the body of the victim as mentioned in the MLC were caused by knife and that those injuries were caused by accused Raja Tiwari as per the statement of the victim Sunny Baghel, no lacerated wound was found on the body of the victim to have been caused by the rod, the detention period of the Applicant, who is 18 years old, he has no criminal antecedent, charge sheet has already been filed and there is no likelihood of his 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 with regard to Applicant No.2-Suraj Tiwari and the same is dismissed as withdrawn with regard to Applicant No.1-Raja Tiwari.

8. It is directed that in the event of the Applicant No.2-Suraj Tiwari's executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lac) with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- i. he 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. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. he shall not involve himself 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 Applicant involving himself in any offence in future.

9. In the result, the instant bail application dismissed as withdrawn in respect of Applicant-Raja Tiwari whereas, it is allowed in relation to Applicant-Suraj Tiwari on the aforesaid terms and conditions.

Sd/-

Gautam Chourdiya
JUDGE

Priya