

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5858 of 2021**

1. Krishna Yadav S/o Baliram Yadav Aged About 21 Years R/o Bada Bhawani Nagar, Raipur, District- Raipur, Chhattisgarh
2. Rajkumar @ Buti Yadav S/o Baliram Yadav Aged About 20 Years R/o Bada Bhawani Nagar, Raipur, District- Raipur, Chhattisgarh
3. Saurabh Rahulkar S/o Sudhir Rahulkar Aged About 27 Years R/o Bada Bhawani Nagar, Raipur, District- Raipur, Chhattisgarh
4. Nilesh Rautkar S/o Raju Rautkar Aged About 20 Years R/o Bada Bhawani Nagar, Raipur, District- Raipur, Chhattisgarh
---Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Sarswati Nagar, District- Raipur, Chhattisgarh ---- Non-Applicant

M.Cr.C No.6344 of 2021

1. Rohit Rautkar S/o Rajkumar Rautkar Aged About 27 Years R/o Chota Bhawani Nagar, Kota, Police Station- Sarswati Nagar, Raipur, Tahsil And District- Raipur, Chhattisgarh.
2. Sandesh Meshram @ Sandey S/o Ramesh Meshram Aged About 26 Years R/o Chota Bhawani Nagar, Kota, Police Station- Sarswati Nagar, Raipur, Tahsil And District- Raipur, Chhattisgarh.

---Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Sarswati Nagar, District- Raipur, Chhattisgarh.
---- Non-Applicant

For Applicants:	Shri Shivendu Pandya, Advocate.
For Non-Applicant/State:	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

06.09.2021

1. The Applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.121/2021 registered at Police Station Saraswati Nagar, District Raipur, C.G. for the offence punishable under Sections 294, 323, 427, 452, 452/34 and 147 IPC.
2. The allegation against the Applicants is that on 18.07.2021, they along with other co-accused persons, after entering into the house of the Complainant-Laxminarayan Banjare, by using filthy language, assaulted him and his mother with hands, fists and stick and also threatened them for life.
3. Learned Counsel for the Applicant submits that the Applicants have been falsely implicated in the crime in question for which, they are in jail since 20.07.2021 and that there is no incriminating material against them which may hold them guilty for the commission of offence punishable under Sections 294, 323, 427, 452, 452/34 and 147 IPC and therefore, they may be released on bail.
4. On the other hand, learned State Counsel opposed the bail applications. However, he submits that Applicant-Sandesh Meshram has only one criminal antecedent against him bearing Crime No.159/2020 relating to theft, criminal intimidation and assault, whereas the other Applicants have no criminal antecedents against them.
5. I have heard learned Counsel for both the parties and perused the entire case diary.
6. Taking into consideration the facts and circumstances of the case, the allegation made against the Applicants, their detention period and the fact that there are no criminal antecedents against them and that the conclusion of trial may take some time, without further commenting anything on merits of the case, I am of the opinion that the Applicants are entitled to be released on bail.
7. Accordingly, the instant M.Cr.Cs are allowed and it is directed that in the event 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 them 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 any offence in future.

Sd/-

Gautam Chourdiya
JUDGE

Priya