

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6947 of 2021**

- Harsh Pandya, S/o Rajesh Pandya, aged about 20 Years, R/o Prabhat Nagar, Ward No. 43 Rajnandgaon, Tahsil and District Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station-Basantpur, District Rajnandgaon, Chhattisgarh.

----Non-applicant

MCRC No. 7059 of 2021

- Mithlesh Pandya, S/o Shri Vinod Pandya, aged about 24 Years, Occupation Ward Boy, Medical College Hospital Pendri Rajnandgaon, R/o Prabhat Nagar, Ward No. 38, District- Rajnandgaon (C.G.).

---Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, P.S.-Basantpur, District- Rajnandgaon (C.G.).

---Non-applicant

MCRC No. 7416 of 2021

- Aashish Pandaya, S/o Late Ujjwal Pandaya, aged about 26 Years, R/o Prabhat Nagar, Ward No. 43, Lalbagh, Police Station Basantpur, District Rajnandgaon, (Chhattisgarh).

---Applicant

Versus

- State of Chhattisgarh, Through the Police Station Basantpur, District – Rajnandgaon, (Chhattisgarh).

----Non-applicant

For Applicants

Shri Aditya Bhardwaj and Shri Shaleen Singh
Baghel, Advocates for the applicants.

For State

Shri Priyanshu Gupta, Panel Lawyer.



Hon'ble Shri Justice Gautam Chourdiya
Order on Board

27/10/2021

1. As all the aforesaid first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.200/2021 registered at Police Station Basantpur, District Rajnandgaon, C.G., for the offence punishable under Sections 294, 363, 362, 365, 307, 201, 34 of Indian Penal Code, they are being disposed of by this common order.
2. As per the prosecution case, on 28.05.2021 motorcycle of the complainant- Prince accidentally hit the motorcycle of the applicants near the hospital gate, the applicants having got enraged took the complainant to an isolated area, assaulted upon him by knife, stick, hands and fists in an attempt to commit his murder and also assaulted upon his friend namely-Bhupesh. On report being lodged to the above effect, the aforesaid offence have been registered against the applicant.
3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They submit that no assault was made by the present applicants. Applicants are in custody since 09.07.2021 & 10.08.2021 respectively, charge sheet has already been filed and conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. However, he submits that applicant- Harsh Pandya has no criminal antecedents whereas applicant-Aashish Pandaya has two criminal antecedents bearing Crime No.181/2017 for the offence under

Sections 294, 323, 506, 34 of IPC & Crime No.167/2020 for the offence under Sections 294, 323, 506, 34 of IPC and applicant- Mithlesh has only one criminal antecedent bearing Crime No.19/2016 for the offence under Sections 341, 294, 506, 34 of IPC.

5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, the nature of injury sustained by the victims, the fact that the injured persons remained hospitalized only for few days and no other complication was found by the doctor, the detention period of the applicants, who are 26, 24 & 20 years old, charge sheet has been filed and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, all the bail applications are allowed. 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 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

Akhilesh