

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6994 of 2021**

1. Chudamani Lodhi, S/o Late Deendayal, aged about 30 Years, Caste Lodhi,
2. Gangaram, S/o Late Ramji Netam, aged about 35 Yearsm Caste Gond,

Both are R/o Village Khudmudi, Police Station and Tahsil Chuikhadan, District Rajnandgaon, Chhattisgarh.

---Applicants

Versus

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

---Non-applicant

For Applicants	Shri Abhishek Sharma, Advocate.
For State	Shri Afroz Khan, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28/10/2021**

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.211/2021 registered at Police Station- Chuikhadan, District Rajnandgaon, C.G. for the offence punishable under Sections 294, 323, 506, 452, 34 of Indian Penal Code.
2. Allegation against the present applicants is that on 27.08.2021 at about 7:00 pm they forcibly entered the house of the complainant and due to land dispute, assaulted the complainant by giving her threat of life, as a result of which she sustained injury on her left arm and back.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in jail since 27.08.2021 and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have only one criminal criminal antecedent of the year 2014.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicants, the fact that compromise has already taken place between the parties vide affidavit dated 02.09.2021 filed herewith and no objection raised by the complainant to release the applicants on bail, the offence is triable by the Magistrate First Class, the detention period of the applicants, who are 30 & 35 years old and there is no likelihood of the applicants 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, the bail application is 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 similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh