

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7190 of 2020

- Jitendra Nishad, S/o Vishram Nishad, Aged About 27 Years R/o - Dewar Dera, Aama Talab Dhal, Police Station - Azad Chowk, Raipur, Tahsil And District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station - Azad Chowk Raipur, District Raipur Chhattigarh., District : Raipur, Chhattisgarh

----Respondent

MCRC No. 7433 of 2020

- Dharmendra Nishad S/o Shri Vishram Nishad Aged About 24 Years R/o- Bagichapara Ramkund, Police Station- Azad Chowk, Raipur, Tahsil And District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Azad Chowk Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

--Respondent

For Applicants	:	Shri Navin Shukla, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/02/2021

1. As the both the MCRCs arise out of same crime number, they are being heard and 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 2.7.2020 in connection with Crime No.141/2020, registered at Police Station- Azad Chowk, Raipur, District -Raipur (CG) for the offence punishable under Sections 307, 34 of the IPC.

3. Case of the prosecution is that on 1.7.2020, complainant Sanjay Yadva lodged a report that when he along with his uncle -Krishnakant Yadav was sitting at Aama Talab, the applicants assaulted his uncle with knife on account of previous enmity, due to which, his uncle received grievous injuries. Based on this, an offence was registered and the applicants were taken into custody.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question and they have not committed any offence. He submits that on account of previous enmity, the dispute arose and the scuffle took place. He submits that the victim has received simple injuries and he was admitted to hospital on 1.7.2020 and was discharged on 12.7.2020. He further submits that charge sheet has been filed, but still the trial has not commenced; the applicants are in jail since 2.7.2020 and conclusion of trial is likely to take some time, therefore, the applicants may be released on bail by this Court.
5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications. He submits that the victim had received grievous injuries.
6. I have heard learned counsel for the parties and perused the case diary.
7. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and further considering that the victim has been discharged from the hospital and no further complication has been shown by both the counsel; charge sheet has been filed and still trial is not commenced as submitted by both the counsel; detention period of the applicants, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the bail

applications are allowed.

8. 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:-
9. (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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.
10. 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 nature of offence in future.

Sd/

(Gautam Chourdiya)
Judge