

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 7300 of 2021**

- Dujram Bhardwaj S/o Sadh Ram aged about 65 Years R/o Ward No. 1, Sakti, Police Station- Sakti, District- Janjgir-Champa Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station Sakti, District Janjgir-Champa, Chhattisgarh.

-----Non-applicant

For Applicant : Mr. Jeet Patel, Adv.
For Non-applicant/State : Mr. Alok Nigam, Govt. Adv.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****15/12/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 151/2021 registered at Police Station Sakti, District Janjgir-Champa (C.G.) for the offence punishable under Section 302, 506, 294, 147, 149 of IPC.
2. Case of prosecution is, that on 11.06.2021, at about 09:30 am, complainant and her father heard noise of quarrel in front of their house, when she came out she saw that Rajesh Bharadwaj and 6 others including applicant were quarreling with one Samaru Tandan and demanding Rs. 5,000/- which was expended for releasing on bail of Samaru and Rajesh Bhardwaj. All the persons have assaulted due to which Samaru Tandan suffered injury. He was taken to hospital where he succumbed to those injuries.
3. Mr. Jeet Patel, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. He is 65 years old person. Incident took place in open place and he went there only after hearing the noise of quarrel between some person. There is no specific allegation of participation of applicant and assaulting deceased. Applicant is in jail since 11.06.2021, hence, he may be released on bail.
4. Mr. Alok Nigam, learned State counsel, while opposing the

submissions of the learned counsel for the applicant, would submit that complainant is daughter of deceased is an eye-witness to incident who herself reported the incident in the police station. In her statement recorded under Section 161 of CrPC, she has stated that all the 7 persons were quarreling and assaulting deceased, hence, there is prima facie involvement of applicant in the instant crime. In support of his contentions, learned State counsel read-over the statement of complainant recorded under Section 161 of CrPC.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, facts and circumstances of the case, the manner in which alleged incident stated to have taken place, further that there is no specific mention of participation of applicant in the aforementioned act of assault on deceased and also that applicant is aged about 65 years, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
 Judge