

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7319 of 2021

1. Shriram S/o Rapohan Aged About 50 Years
2. Devendra S/o Shivnath Aged About 20 Years
3. Atma Ram S/o Lalman Aged About 21 Years

All R/o Village Pasta, P. S. Pasta, District Balrampur-Ramanujganj Chhattisgarh

4. Govind Narayan S/o Upnarayan Aged About 27 Years R/o Village Navki, P. S. Rajpur, District Balrampur-Ramanujganj Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicants	: Shri Anshul Tiwari, Advocate
For Respondent /State	: Shri Ravi Maheshwari, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/10/2021

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 97/2021 registered at police station Rajpur, District Balrampur, Ramanujganj (CG) for the offence punishable under Sections 147,186, 189, 294,506, 332, 269,353,270,188,336 & 307 IPC and Section 3 of the *Mahamari Adhiniyam* (Epidemic Act).

Case of the prosecution in brief is that report was lodged by the complainant alleging that on the date of incident, during police patrolling at night, on receiving a secret information that some wedding ceremony is being celebrated in the house of one Sarju Nageshiya at Banathpara without adhering the protocol of Covid-19 by violating the rules. It is alleged that when the police party reached, the accused persons started attacking them with *lathis* and caused hurt to the police personnel.

Counsel for the applicants submits that the applicants have been falsely implicated in the case. He submits that similarly placed co-accused persons have been granted bail by this Court in M.Cr.C. Nos. 4828/2021, 5859/2021 and 6316/2021 and therefore the present applicants may also be granted the benefit. He further submits that the applicants are in jail since 25.05.2021; the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of applicants' furnishing a personal bond in the sum of Rs. 50,000/- with one surety each, for the like sum to the satisfaction of the concerned 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 of as to dissuade him/her 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 the 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 nature of the offence.

Sd/-

(Rajani Dubey)

Judge