

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7517 of 2021

1. Milap Verma, S/o Shankar Verma, Aged About 50 Years,
 2. Devarin Bai, W/o Milap Verma, Aged About 45 Years,
 3. Dinesh Verma, S/o Milap Verma, Aged About 21 Years,
 4. Ram Verma, S/o Milap Verma, Aged About 22 Years,
- R/o Village Rahud, Police Station and Tahsil Khairagarh, District Rajnandgaon (Chhattisgarh).

---- Applicants

Versus

1. State of Chhattisgarh, Through Station House Officer, Police Station Khairagarh, Outpost Jalbandha, District Rajnandgaon, (Chhattisgarh).

---- Non-Applicant

For Applicants : Mr. Abhishek Sharma, Advocate
For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27/09/2021

- 1) Heard.
- 2) This is the **Second Bail Application** of applicants filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. They are in jail since 16.07.2021 in connection with Crime No. 249/2021 registered at Police Station Khairagarh, Outpost- Jalbandha, District Rajnandgaon (C.G.) for the offence punishable under Sections 294, 323, 324, 325, 326, 506/34 & 307 of IPC.
- 3) Earlier the First Bail Application i.e. MCRC 5545/2021 was allowed by this Court vide order dated 07/09/2021. However, at that time charge sheet was not filed and it was filed only on 10/09/2021 in which offence under Section 325 & 307 of Indian Penal Code were also added. Since Sections 325 & 307 of Indian Penal Code were

added in the charge sheet, the applicants could not furnish the bail bonds in compliance of the order dated 07/09/2021.

- 4) Case of the prosecution, in brief, is that the complainant Narayan Prasad Verma lodged report in the police station to the effect that he took around 1.5 acres of agricultural field on lease from one Tetki Bai. On 13.07.2021 he planted paddy crops in the said agricultural field and on 14.07.2021 at about 9 am he heard from the villagers that applicants Milap Verma, Dinesh Verma, Ram Verma, Devarin Verma are removing the paddy crops. Thereafter, the complainant's father Banshilal and mother- Urvashi Bai rushed towards the agricultural field, they asked the applicants about removing of crops then the applicants threatened them of life, abused them filthily and assaulted on the father of the complainant with wooden pole on his vital part mouth, head as a result of which his five number of teeth were broken. When the complainant alongwith his wife intervened they were also assaulted by the applicants as a result of which complainant party sustained injuries on various parts of the body.
- 5) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that as per jail report health condition of applicant No. 2 Devarin Bai is not good and she is facing complications. Counter report was also lodged by the applicant party against the complainant party, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 16.07.2021 and conclusion of trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 6) On the other hand, learned counsel for the Non-applicant/State opposes the bail application.
- 7) Having heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the fact that the disputed land is recorded in the name of both applicant No. 2

Devarin Bai and Tetki Bai as per revenue record, incident took place due to complainant party sowing paddy in the field belonging to the accused persons, counter FIR was also lodged by applicant No. 1 Milap Verma against Narayan Verma, Banshilal Verma & Urvashi Verma on the same day of incident i.e. 14.07.2021 and they also sustained injuries, the nature of injuries sustained by the complainant party, serious health condition of applicant No. 2 Devarin Bai, detention period of the applicants, who are 21, 22, 45 & 50 years old and the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is **allowed**.

- 9) It is directed that in the event of **each** of the applicant executing a personal bond for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- **each** to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
- (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,
 - (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/ Local Authority.

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