

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7806 of 2021**

1. Bagar Sai, S/ol Dori, aged about 52 years, R/o Village Chadeshwarpur, PS Dhourpur, District Surguja (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Dhourpur, District Surguja (CG)

---- Non-Applicant

For Applicant	: Shri Sanjay Pathak, Advocate.
For Non-Applicant	: Smt. Seema Dixit, Panel Lawyer.

Hon'ble Shri Deepak Kumar Tiwari, J**Order On Board****25/10/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.69/2019 registered in Police Station Dhourpur, District Surguja for offence under Sections 294, 506-(B), 323, 307, 147, 148, 149 of the IPC.
2. This is the 3rd bail application on behalf of the applicant. Earlier, the first bail application was dismissed as withdrawn vide order dated 5.11.2020 passed in MCRC No.6019/2020 and the second bail application was rejected on 18.6.2021 by observing that at that stage no case for grant of bail is made out.
3. Case of the prosecution, in brief, is that on 29th October, 2019 a written report was lodged by complainant Banwari Ram at PS Dhourpur stating

that in the year 2017-18 Government land of the village was cleaned by the villagers, on which a dispute arose between both the parties on 29.10.2019 for grazing the said Government land. On the said date, Lalsai Gond, Devnath Gond, Ramesh Gond, Mahinath, Sehdev etc. took their cattle near the said land for grazing to which the accused persons objected and asked them to stop and threatened to kill the complainant. Suddenly Mahinath, Lalsai along with Ramesh assaulted the accused persons with wooden stick and axe. The accused persons also received injuries. For the said incident, counter FIR has been registered.

4. Learned counsel for the applicant would submit that the applicant is an innocent person and he has been falsely implicated in the case. The applicant has been arrested only on the basis of memorandum of co-accused. The applicant is in jail since 28th July, 2020 and thus completed one year. In the present case, 5 witnesses have been examined and there is no likelihood of his absconding and tampering with the prosecution witnesses. The applicant is ready to furnish adequate surety and shall abide by the terms and conditions. Therefore, the applicant may be released on bail.
5. On the other hand, learned State Counsel opposes the bail application.
6. Learned counsel for the applicant emphasis on the statement of injured Mahinath and learned State Counsel also agrees that except Mahinath from the complainant's side, no other person has been injured. In the statement given by the injured, he categorically denied that in the Police Statement he has stated that the present applicant has assaulted him by Tangia and changed his version and implicated the son of the applicant namely Asit Kumar that Asit Kumar had given blow of Tangia on his

head.

7. Looking to the statement of injured, particularly, the length of pre-trial detention of the accused and also that Asit Kumar has already been enlarged on bail by the trial Court, this Court finds fit to grant bail to the applicant.
8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.10,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Deepak Kumar Tiwari)
Judge

Barve