

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6511 of 2021**

1. Panch Ram Dinkar, son of Shri Ram Prasad Dinkar, aged about 65 years, resident of Salauni Kala, P.S. Bhatgaon, District Balodabazar Bhatapara (incorrectly mentioned as 'Balodabazar' in the bail rejection order), Chhattisgarh
2. Rakesh Dinkar, son of Shri Dujram Dinkar, aged about 25 years, resident of Salauni Kala, P.S. Bhatgaon, District Balodabazar Bhatapara (incorrectly mentioned as 'Balodabazar' in the bail rejection order), Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh Through Police Station Bhatgaon, Balodabazar, District Balodabazar Bhatapara (incorrectly mentioned as 'Balodabazar' in the bail rejection order), Chhattisgarh

---- State/Non-applicant

For Applicants	:	Shri Manoj Paranjpe and Shri K. Rohan, Advocates
For Non-Applicant/State	:	Shri Chitendra Singh, Panel Lawyer
For Objector	:	Shri Naveen Nirala, Advocate

M.Cr.C. (A) No. 1295 of 2021

1. Sulochna Dinkar W/o Ravi Lal Dinkar, aged about 35 years, R/o Gram Panchayat, Salauni Kala, P.S. Bhatgaon, District Balodabazar, District Balodabazar (C.G.)
2. Mahetreen Dinkar W/o Panchram Dinkar, aged about 60 years, R/o Salauni Kala, P.S. Bhatgaon, District Balodabazar, District Balodabazar (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through : The District Magistrate, Balodabazar, District Balodabazar (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Galib Dwivedi, Advocate
For Non-Applicant/State	:	Shri Chitendra Singh, Panel Lawyer
For Objector	:	Shri Naveen Nirala, Advocate

And**M.Cr.C.(A) No. 1338 of 2021**

1. Ravilal Dinkar S/o Panchram Dinkar, aged about 38 years,
 2. Ravikant Chandrakar S/o Dhaniram Chandrakar, aged about 32 years
- Both R/o Village Salaunikala, P.S. Bhatgaon, District Balodabazar (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through : The District Magistrate, Balodabazar, District Balodabazar (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Amiyakant Tiwari, Advocate
For Non-Applicant/State	:	Shri Chitendra Singh, Panel Lawyer
For Objector	:	Shri Naveen Nirala, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

29.10.2021

1. M.Cr.C. No. 6511/2021 is the first bail application under Section 439 of Cr.P.C. preferred by the applicants arise out of the Crime No. 129/2021 registered in Police Station- Bhatgaon, District Balodabazar, Bhatapara (CG) for the offence punishable under Sections 294, 506B, 323, 147, 148, 149 & 307 of IPC.
2. M.Cr.C.(A) No. 1295/2021 & M.Cr.C.(A) No. 1338/2021 the respective applicants preferred these first bail applications as they are apprehending their arrest in connection with Crime No. 129/2021 registered in Police Station- Bhatgaon, District Balodabazar, Bhatapara (CG) for the offence punishable under Sections 294, 506B, 323, 147, 148, 149 & 307 of IPC.
3. As all the above applications arise out of same crime number i.e. 129/2021, they are being disposed of by this common order.
4. As per the prosecution story, on 08.08.2021 at about 02:30 pm an F.I.R. came to be registered against the present applicants arising out of a free fight between two groups of the village, in which both the parties received injuries and two separate F.I.R. were registered at the instance of each other. The present crime is registered against the above applicants and another F.I.R. No. 130/2021 for the offences punishable under Sections 294, 323, 506B, 147, 148, 149, 307 of IPC was registered at the instance of the co-accused Ravikant in the present crime.
5. Learned counsel for the respective applicants submit that the applicants have been falsely implicated in this crime. They submit that applicants also

lodged the counter F.I.R. against the complainant party which was registered under Crime No. 130/2021 in the same Police Station. They also submit that applicants in M.Cr.C. No. 6511/2021 are languishing in jail since 09.08.2021 and conclusion of the trial is likely to take some time. Therefore, applicants be released on bail. They further submit that the complainant party have already been granted anticipatory bail by the trial Court.

6. On the other hand, learned counsel for the State as well as learned counsel for the objector oppose the bail applications.
7. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the nature of allegations made against the present applicants and nature of injuries sustained by both the parties who were discharged from hospital, there are F.I.R. & counter F.I.R. lodged in the same Police Station by accused party and complainant party against each other regarding similar nature of offence, there was free fight between the parties and both the parties sustained injuries, number of accused persons in the counter case have granted anticipatory bail by the trial Court, conclusion of the trial is likely to take some time, and that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsels, without expressing any opinion on merits of the case, the bail applications are allowed.

8. **M.Cr.C. No. 6511 of 2021:**

It is directed that in the event of each of the applicants 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 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 so 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 disposal of the trial.

- iv. they shall not involve themselves in any offence of similar nature in future.

9. M.Cr.C.(A) No. 1295 of 2021 & M.Cr.C.(A) No. 1338 of 2021:

It is directed that in the event of arrest of each of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the Arresting Officer subject to the following terms and conditions:-

- i. 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/her from disclosing such fact to the Court or Investigating Officer, as the case may be.
- 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 disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

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.

11. In the result, M.Cr.C. No. 6511/2021, M.Cr.C.(A) No. 1295/2021 & M.Cr.C.(A) No. 1338/2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge