

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8000 of 2021

1. Manoj Kumar Guru, S/o Late Ramchandra Guru, Aged About 32 Years
2. Kamlesh Kumar Guru, S/o Late Ramchandra Guru, Aged About 30 Years

Both are R/o Sindhi Colony Pakki Kholi, Raigarh, District Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Thana In-Charge, Chakradhar Nagar, District Raigarh, Chhattisgarh

---- Respondent

For Applicants
For Respondent

Mr. Rajendra Tripathi, Advocate
Mr. Akhtar Hussain, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

28/10/2021

1. The applicants have preferred this first bail application under Section 439 of CrPC for grant of bail, as they are arrested in connection with Crime No.10/2020, registered at Police Station Chakradhar Nagar, District Raigarh for the offence punishable under Sections 294, 506, 323, 302/34 of IPC.
2. The case of the prosecution in brief is that on 06.01.2020, the applicants came for lunch, but the food was not prepared by the deceased Nirmal Soni, on account of which the applicants assaulted the deceased by hand and fist and thereafter she was

hospitalized by the applicants themselves for two days and thereafter she died, thereby the applicants committed the offence.

3. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the crime in question. He further submits that the applicants had no intention to kill the deceased, who is their own grand mother (Nani) and they themselves have taken her to the hospital and the witnesses so far examined have not supported the prosecution version. The applicants are in jail since 09.01.2020, charge sheet has been filed and the trial is likely to take some time, therefore, the applicants may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, perusing the statements of Rajesh Talreja (PW-1), Kishore Talreja (PW-2), Mahesh Kumar Jethani (PW-4), Manoj Kumar Minj (PW-8), Dr. Prakash Chetwani (PW-9 and further considering the fact that the accused themselves have taken the deceased to the hospital, the applicants are in jail since 09.01.2020, charge sheet has been filed and the trial is likely to take sometimes, this Court finds fit to release the applicants on regular bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of ₹ 10,000/- with two sureties in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, subject to following conditions:

(I) The applicants shall furnish coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court, which shall be verified from its original by the trial Court, at the time of bail.

(II) The applicants shall furnish a specific undertaking that while on bail, they will not commit any offence of the same nature, otherwise bail granted to them shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicants 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 facts to the Court or to any police officer.

(IV) The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge