

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7996 of 2021

1. Jitendra, S/o Govardhan Lodhi, Aged About 21 Years
2. Surendra, S/o Tahnagu Lodhi, Aged About 23 Years
3. Ajay Verma, S/o Ramsukh Lodhi, Aged About 19 Years

All R/o Village Dilippur, Police Station and Tehsil Khairagarh
District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Khairagarh,
District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Mr. Rajendra Tripathi, Advocate
Mr. Ishwar Jaiswal, 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.362/2021, registered at Police Station Khairagarh, District Rajnandgaon for the offence punishable under Sections 294, 323, 324 & 327 read with Section 34 of IPC.
2. The case of the prosecution in brief is that the complainant lodged a report before the Police Station Khairagarh that on 21.09.2021 at about 7:30, his son came to him and informed that his brother Jageshwar is being assaulted by the applicants near

Dilippur Chowk, upon which the complainant went there and found his nephew having sustained injuries, thereafter he took him to hospital immediately, 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 are the permanent residents of the address mentioned in the bail application and there is no likelihood of their being absconded. The applicants are in jail since 25.09.2021 and the trial is likely to take some more time, therefore, the applicants may be released on bail.
4. Per contra, 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, offence is triable by the JMFC, applicants are in jail since 25.09.2021 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

Nirala