

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9046 of 2020

1. Samaru Tandan S/o Tijauram Tandan Aged About 50 Years Resident Of Village Bamhani, Police Station Gidhpuri , District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Gopi Tandan @ Govind Tandan S/o Samaru Tandan Aged About 22 Years Resident Of Village Bamhani, Police Station Gidhpuri , District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gidhpuri, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

For Applicants	:	Shri Satya Prakash Verma, Advocate
For Non-Applicant/State	:	Shri Anil Tripathi, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24/02/2021

1. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 21.11.2020 in connection with Crime No.116/2020, registered at Police Station- Gidhpuri, District Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 341, 294, 506, 323, 325, 307, 34 of the IPC.
2. Case of the prosecution is that the complainant has lodged a report that on 16.11.2020 on account of speaking doha and dancing in the Matar Festival in the village, a quarrel took place and the applicants abused and assaulted the complainant with lathi and danda due to which he received grievous injuries.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He submits that on account of some dispute the quarrel had taken place and a counter case has also been filed by wife of applicant No.1 at Police Station Gidhpuri vide Crime No.117/2020. He submits that the complainant has been received simple injuries and he was admitted to hospital on 24.11.2020 and was discharged on 4.12.2020 and thereafter he has no complication. He submits that as the applicants have been arrested on 21.11.2020 and trial is likely to take some time for its final disposal, therefore, the applicants be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He submits that on account of quarrel for dancing in the Matar Festival, the quarrel has taken place and both the parties have assaulted each other and the counter case was also filed.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the age and detention period of the applicants and no criminal antecedent has been mentioned against the applicants; a counter case was also filed and the complainant has been discharged from the hospital after his treatment and no further complication has been shown; and that conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
6. It is directed that in the event of the each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- 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 them 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge

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