

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8861 of 2020

1. Kapil Dhruv S/o Khedu Dhruv Aged About 40 Years R/o Lingiyadih, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.
2. Veeru Dhruv S/o Jaijai Dhruv Aged About 23 Years R/o Lingiyadih, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh. **---- Applicants**

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

--- Respondent

For Applicants : Shri Dharmesh Shrivastava, Advocate
For Respondent/State : Dr. Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

07.01.2021

- 1) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973. The applicants were arrested on 12.11.2020 in connection with Crime No.1042/2020 registered at Police Station Sarkanda, District- Bilaspur (C.G.) for the offence punishable under Section 294, 323, 506, 307 read with 34 of IPC.
- 2) The allegation against the applicants is that the applicant Kapil Dhruv and Veeru Dhruv alongwith co-accused Raju Dhruv assaulted the victim namely Moti and Savan by club and rod, as a result of that victim Moti and Savan sustained several injuries on different parts of the body i.e. head, back and hand. One person namely Mohammad Rajik who intervened during the fight, he was also assaulted, abused and threatened by the present applicants. When the complainant Gopi Kenvat upon coming to know about the said incident reached to the spot he too was assaulted by the accused persons, as a result of which, he sustained injury. Based on this, report was lodged and after

investigation, the present applicants were arrested by the Police.

- 3) Learned counsel for the applicants submits that the applicants are innocent person and have been falsely implicated in this case. The injuries of the complainant/victim are simple in nature. He submits that a counter FIR was registered against the complainant party at the instance of applicant Kapil Dhruw on the same day i.e. 11.11.2020 at Police Station, Sarkanda, Bilaspur for the offence punishable under Section 294, 502, 326, 307, 34 of IPC under Criminal Case No. 1041/2020. In the said incident the present applicants have also sustained injuries and one Raju accompanying the applicants sustained grievous injuries. The applicants are in jail since 12.11.2020 and the fact that the applicants have no criminal antecedents and conclusion of the trial is likely to take some time, therefore, the applicants may be enlarged on bail.
- 4) On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that the applicants have no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the nature of injuries sustained by the complainant/victim and other, the fact that the counter case has been registered against against the complainant party at the instance of the applicant Kapil Dhruw under Section 294, 506, 323, 307, 34 of IPC in the said incident the applicants and one Raju have also sustained injuries on various parts of the body, the detention period of the applicants and that the applicants have no criminal antecedents as admitted by both the counsel and the fact that the conclusion of the trial may take some time, therefore, without expressing anything upon merits of the case, the bail application is allowed.
- 6) It is directed that in the event of 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.

Sd/-

(Gautam Chourdiya)
Judge

Nadim