

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8894 of 2020

1. Mukesh Gond S/o Gendram, Aged About 25 Years,
2. Santi Gond S/o Gendram, Aged About 21 Years,

Both are R/o Village Bodhiband, Police Station Ratanpur,
District Bilaspur (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police
Station Ratanpur, District Bilaspur (C.G.).

---- Non-Applicant

For Applicants : Shri Goutam Khetrapal, Advocate.
For Respondent/State : Shri Shrikant Kaushik, Penal Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

05/02/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 07/11/2020 in connection with Crime No. 593/2020 registered at Police Station Ratanpur, District Bilaspur (C.G.) for the offence under Section 302/34 of IPC.
- 2) Case of the prosecution, in brief is that the applicants and co-accused Pintu Gond were having enmity with Ramnarayan (since deceased) as Ramnarayan had once eloped with the sister of the accused persons. Due to this enmity, on 30/09/2020 at 08:30 PM the accused persons with common intention assaulted deceased Ramnarayan with club as a result of which on 06/11/2020 Ramnarayan died during treatment. On report being lodged to the above effect, the aforesaid offence has been registered against the applicants and co-accused.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that though the incident took place on 30/09/2020 but the FIR was lodged only on 06/11/2020 after death of the deceased. He submits that MLC as well as the PM report does not support the prosecution case. He lastly submits that the applicants are in jail since 07/11/2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that incident took place on 30/09/2020 whereas FIR was lodged only on 06/11/2020 after death of the deceased, in the MLC of the deceased dated 01/11/2020 there is mention of only 2 old head injuries without their size or duration, as per PM report cause of death is Cardio Respiratory Arrest on account of old head injury and its complication, in PM report also nature of injury is not shown, the deceased was admitted in Sukham Hospital, Bilaspur first on 01/10/2020 i.e. 2 days after the incident and was discharged from Hospital on 11/10/2020, he was again admitted in Burn & Trauma Research Centre, Bilaspur on 01/11/2020 where he died on 06/11/2020 during treatment, no fracture or bony injury was noticed in the PM report except 3 healed abrasions on forearm, 1 abrasion on right foot, old stitched wound on head, further considering the detention period of the applicants, the fact that they have no criminal antecedents and there is no likelihood of their absconding or tampering with the evidence as admitted by both the counsel, the fact that charge sheet has already been filed and conclusion of trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case

for grant of bail to the applicants. Accordingly, the application is **allowed**. 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, he shall be released on bail on the 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 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.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant