

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8964 of 2020

1. Akku @ Aakash Sharma S/o Rajesh Sharma, Aged About 19 Years, Resident Of Shubhash Market Zone-2 Khurseepar, Police Station- Khurseepar, Tehsil And District Durg (C.G.).
2. Sumeet Singh @ Puchhi S/o Ganesh Singh, Aged About 20 Years, R/o AVD Road Balaji Nagar Khurseepar, P.S. Khurseepar, Tehsil And District Durg (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through District Magistrate, District Durg (C.G.).

---- Non-Applicant

For Applicants	: Mr. Vijay Kumar Sahu, Advocate.
For Non-Applicant/State	: Ms. Shobha Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

08/03/2021

- 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 24/09/2020 in connection with Crime No. 590/2020 registered at Police Station Khurseepar, District Durg (C.G.) for the offence under Sections 341, 294, 323, 307, 427, 147, 148 & 149 of IPC.
- 2) Case of the prosecution, in brief is that on 23/09/2020 at about 10 PM complainant Arun Kumar Prasad alongwith his friends Manjeet Singh @ Happy and Karan was going by motorcycle bearing No. CG07 8866 for dropping Manjeet Singh at his house. However, on the way at Subhash Chowk, Khurseepar the applicants intercepted their vehicle, abused them filthily, damaged their vehicle and on objection being raised by the complainant, they assaulted him with common intention by knife,

cutter, hands and fists. On report being lodged to the above effect, the aforesaid offence has been registered against the applicants.

- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 24/09/2020, charge sheet has 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 detention period of the applicants who are 19 & 20 years old, charge sheet has already been filed, there is no apprehension of their absconding or tampering with the evidence as admitted by the counsel for the parties and the trial is likely to take some time for disposal due to COVID-19, 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. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the concerned trial Court, they 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant