

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9112 of 2020**

1. Ashish S/o Ramadhar Sahu Aged About 22 Years Caste Teli , Resident Of Village Umarpoti Bhata , Police Station Utai, Tehsil And District Durg Chhattisgarh.
2. Devendra S/o Late Surendra Sahu Aged About 19 Years Caste Teli , Resident Of Village Umarpoti Bhata , Police Station Utai, Tehsil And District Durg Chhattisgarh., **---- Applicants**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Gunderdehi, District Balod Chhattisgarh. **---- Non-applicant**

MCRC No. 9414 of 2020

1. Kuldeep Sahu @ Sonu (Name As Per Charge Sheet Name Completely Not Mentioned In The Impugned Order) S/o Bhart Lal Sahu Aged About 21 Years R/o Village Gunderdehi Ward No. 14 Gunderdehi Police Station Gunderdehi District Balod Chhattisgarh.
2. Nemichand Sahu @ Pappu (Name As Per Charge Sheet Name Completely Not Mentioned In The Impugned Order S/o Gambhir Lal Sahu Aged About 21 Years R/o Village Newai Bhatha Near Godess Durga Temple P.S. Newai Tehsil And District Durg Chhattisgarh. (Address As Per Charge Sheet And Completely Not Mentioned In The Impugned Order)., District : Durg, Chhattisgarh **---- Applicants**

Versus

- State of Chhattisgarh Through S.H.O. P.S. Gunderdehi, District Balod Chhattisgarh., District : Balod, Chhattisgarh : **-----Non-applicant**

For Applicants : Mr. Avinash Chand Sahu, Advocate

For State : Mr. D.K. Tiwari, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

02-03-2021

1. As both the aforesaid bail applications arise out of same crime number, they are heard analogously and are being disposed of by this

common order.

2. The applicants have preferred the aforesaid bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they have been arrested in connection with Crime No. 414 of 2020 registered in Police Station Gunderdehi, District Balod (CG) for offence punishable under Section 307/34 of IPC.
3. Case of the prosecution, in brief, is that on 1-10-2020 at about 10.00 pm., a quarrel took place regarding parking of the vehicle between the complainant Lokesh Deshmukh and present applicants and it is alleged that in commission of above offence, present applicants along with other co-accused persons assaulted the complainant as a result of which he sustained injuries.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, the incident took place due to small dispute, the injuries sustained by the victim are simple in nature, charge sheet has been filed, except present one, no other criminal antecedents have been reported against the present applicants, they are in jail since 2-10-2020 and conclusion of the trial is likely to take some time, therefore they may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that except the present one, the applicants have no other criminal antecedents.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the fact that the victim was admitted in hospital on 2-10-2020 and was discharged from

hospital on 10-10-2020, looking to the nature of injuries sustained by the victim, detention period of the applicants, there is no likelihood of the applicants tampering with the evidence or absconding and the applicants have no criminal antecedents as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that present is a fit case to grant bail to the applicants.

8. Accordingly, the applications are allowed and it is directed that all the applicants shall be released on bail on each of them 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted 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 applicant shall automatically stand cancelled without further reference to this Court.

Sd/-

(Gautam Chourdiya)
Judge

Raju