

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9213 of 2020**

1. Nandkishore Kamde S/o Indar Kamde, Aged About 52 Years R/o Jai Bhim Nagar, Urla, Police Station Mohan Nagar, District Durg Chhattisgarh.,
2. Sonu @ Trilok Kamde S/o Nandkishore Kamde, Aged About 27 Years R/o Jai Bhim Nagar, Urla, Police Station Mohan Nagar, District Durg Chhattisgarh.,
---- **Applicants**

Versus

- State of Chhattisgarh Through - Police Station Mohan Nagar, Durg, District Durg Chhattisgarh.
---- **Non-applicant**

For Applicants	:	Mr. Narayan Prasad Thakur, Advocate.
For State	:	Mr. Amit Singh, Panel Lawyer
For Objector	:	Mr. Ishant Verma, Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****28-01-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 25-11-2020 in connection with Crime No.396 of 2020 registered at Police Station Mohan Nagar, District Durg (CG) for the offence punishable under Sections 294, 324, 34, 452 and 506-B of IPC.
2. The case of the prosecution, in brief, is that complainant namely Smt. Sheela Dongre lodged a report in Police Station Mohan Nagar, stating that applicant No.1 Nandkishore Kamde was installing mobile tower on vacant land which is nearby her house. The people of locality opposed the activity of the applicant

Nandkishore Kamde. Thereafter, Nandkishore Kamde along with two sons namely Trilok Kamde i.e., applicant No.2 and Sandesh Kamde @ Monu entered the house of the complainant and abused them and on the instigation of applicant No.1, his son Monu @ Sandesh caused injuries to the children of complainant and also threatened the complainant with dire consequences, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that except the present case, no other case is pending against the present applicants. the charge-sheet has been filed, present applicants are in jail since 25-11-2020, the offence is triable by the Magistrate, trial is likely to take some time for its final disposal, therefore they may be released on bail.
4. On the other hand, learned counsel for the State and learned counsel for the objector opposes the bail application and would submit that they may misuse the liberty and will influence the prosecution witnesses, therefore, they are not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary reveals that the children of the complainant sustained injuries and they were admitted in hospital and were discharged within 4 – 5 days.

7. Considering the facts and circumstances of the case, nature of injuries and further considering the fact that charge-sheet has been filed and there is no likelihood of the applicant 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, offence is triable by the Magistrate, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.
8. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them 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 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.

Sd/-

(Gautam Chourdiya)
Judge

Raju