

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

• **MCRC No. 9284 of 2020**

1. Bahrul Sahu Son Of Amol Aged About 60 Years
2. Dillu Son Of Amol Sahu Aged About 55 Years
3. Tulsi Son Of Titru Sahu Aged About 38 Years
4. Heeralal Son Of Rajkumar Sahu Aged About 22 Years
5. Bedu Son Of Ramadhin Sahu Aged About 24 Years

All are Resident Of Village- Sarekha, Police Station And Tahsil- Kawardha, District- Kabirdham (Chhattisgarh), District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kawardha, District- Kabirdham (Chhattisgarh), District : Kawardha (Kabirdham), Chhattisgarh

---- Non-Applicant

MCRC No. 448 of 2021

1. Dasul Sahu S/o Ander Sahu Aged About 65 Years R/o Village- Sarekha P.S. And Tehsil- Kawardha District- Kabirdham (C.G.), District : Kawardha (Kabirdham), Chhattisgarh
2. Sakhaitin Bai Sahu W/o Rajkumar Aged About 36 Years R/o Village- Sarekha P.S. And Tehsil- Kawardha, District- Kabirdham (C.G.), District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through P.S.- Kawardha, District- Kabirdham (C.G.), District : Kawardha (Kabirdham), Chhattisgarh

---- Non-Applicant

MCRC No. 537 of 2021

1. Gandhuk Sahu S/o- Amol Sahu Aged About 60 Years
2. Ram Adheen Sahu S/o- Bhagwani Sahu Aged About 44 Years

3. Rajkumar Sahu S/o- Bhagwani Sahu Aged About 43 Years
4. Jairam Sahu S/o- Balam Sahu Aged About 45 Years
5. Mohan Sahu S/o- Gandhuk Sahu Aged About 36 Years
6. Shekhram Sahu S/o- Dillu Sahu Aged About 36 Years
7. Tilak S/o- Ram Adheen Sahu Aged About 23 Years
8. Ram Prasad S/o- Bhagwani Sahu Aged About 45 Years

All are R/o- Village - Sarekha, P.S. And Tehsil- Kawardha. District- Kabirdham (Chhattisgarh), District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P.S.- Kawardha, District- Kabirdham (Chhattisgarh), District : Kawardha (Kabirdham), Chhattisgarh

---Non-Applicant

For Applicants	: Shri Basant Dewangan, Advocate
For Non-Applicant/State	: Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16.2.2021

1. As all the above MCRCs arise out of the same Crime Number, they are being heard and disposed of by this common order.
2. The applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, as they are in jail since 02.12.2020 and 17.12.2020 in connection with Crime No.664/2020, registered at Police Station- Kawardha, District-Kabirdham(C.G.) for the offence punishable under Sections 307, 294, 323, 506, 452, 147, 148 of the IPC and Sections 25 and 27 of the Arms Act.
3. Case of the prosecution is that on 15.11.2020 on account of dispute regarding burning of crackers, the applicants have

assaulted the complainant with tangia, lathi and danda, in which, both the parties received grievous injuries and one applicant fired pistol on Ramvilas Sahu and he received a gun shot injury. The matter was reported and the applicants were taken into custody.

4. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the case. He submits that the complainant and the applicants are living adjacent and they were enmity on account of construction of house and therefore, on the small issue they quarreled and assaulted each other. He submits that some cases have been registered against the complainant also. He further submits that charge sheet has been filed and conclusion of trial is likely to take some time, therefore, at this stage, the applicants may be granted bail.
5. On the other hand, learned counsel for the Non-Applicant/State opposes bail applications. He submits that there are criminal antecedents against the complainant.
6. Considering the facts and circumstances of the case and the injuries received by Ramvilas Sahu and he has been discharged from the hospital and other persons were received simple injuries in the scuffle which has taken place on account of previous dispute; there are criminal antecedents against the complainant and present applicants have no criminal antecedents; charge sheet has been filed; the detention period of the applicants and that conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicants.
7. Accordingly, the bail applications are allowed.
8. 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 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 him 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

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