

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8575 of 2021**

1. Manmohan Singh, S/o Late Brij Lal Kanwar, aged about 18 Years, R/o Village Risdi, Police Station Kusmunda, District Korba, Chhattisgarh.
2. Shatruhan Yadav, S/o Chintaram Yadav, aged about 35 Years, R/o Village Khodari, Police Station Kusmunda, District Korba, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Kusmunda, District Korba, Chhattisgarh.

----Non-applicant

MCRC No. 9201 of 2021

- Radheshyam @ Golu Chaina Kanwar, S/o Vishal Singh Kanwar, aged about 20 Years, R/o Village Risdi, Police Station Kusumnda, District Korba, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Kusmunda, District Korba, Chhattisgarh.

----Non-applicant

For Applicants

Shri B.M. Rao and Shri Vijay Kumar Sahu,
Advocates for the respective applicants.

For State

Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

16/12/2021

1. As both these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.373/2021 registered at Police Station Kusmunda, District Korba, C.G. for the offence punishable under

Sections 186, 333, 353, 34 of Indian Penal Code, they are being disposed of by this common order.

2. As per the prosecution case on 19.08.2021, when the security guards- Amresh Kumar Singh and Balendra Singh of SECL Kusmunda area upon receipt of information regarding theft of cable wires went to the indicated place, Amresh Singh caught one thief Golu Chaina red handed whereas his other two associates had hidden themselves. One of the accused assaulted Amresh with a stone on his nose and forehead, as a result of which Amresh suffered injury and was immediately taken to hospital. During investigation, the present applicants were arrested.
3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They submit that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in custody since 20.08.2021, charge sheet has already been filed and conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. However, he submits that applicants have no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation against the present applicants, the detention period of the applicants, who are 18, 35 & 20 years old, charge sheet has been filed, the applicants have no criminal antecedents and there is no

likelihood of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, both the bail applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature in future.

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 any offence in future.

Sd/-
Gautam Chourdiya
Judge