

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9438 of 2020

- Vijay Kurre S/o Shri Shobharam Aged About 25 Years Caste Satnami R/o Ward No. 03, Rasauta, Police Station Pamgarh, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Janjgir, Civil And Revenue District Janjgir Champa Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri P.M. Srivas, Advocate
For Non-Applicant	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

08/03/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 31.7.2019 in connection with Crime No.294/2019, registered at Police Station- Pamgarh, District-Janjgir-Champa(C.G.) for the offence punishable under Sections 294, 506, 323, 302/34 of the IPC.
2. Case of the prosecution is that the complainant Birendra Kumar Banjare, who is brother of deceased- Hemlal Banjare, lodged an FIR against the present applicant and other co-accused that on 28.6.2019, when he went to liquor shop to drink liquor, on account of some money dispute, the applicant and other co-accused persons assaulted him and when his brother Hemlal Banjare tried to intervene the matter they also assaulted him, as a result of which, they sustained multiple injuries and Hemlal Banjare died during the course of treatment. Based on this, an offence was registered and the applicant was taken into custody.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that on account of small dispute regarding payment of

liquor, the incident took place and the applicant had no intention to commit the offence and Hemant Banjare has died after five days of the incident, therefore, it cannot be said that he died due to the injuries sustained by him in the incident. He further submits that the co-accused persons have been released on bail by the co-ordinate Bench of this Court in MCRC No.8047/2019 and 3570/2020 vide orders dated 28.1.2020 and 1.7.2020, respectively, and the applicant is in jail since 31.7.2019 and conclusion of trial may take some time, therefore, at this stage, the applicant may be released on bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that present applicant along with other co-accused persons has committed a grievous offence.
5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case and further considering the detention period of the applicant and co-accused persons have been released on bail by the co-ordinate Bench of this Court in MCRC Nos.8047/2019 and 3570/2020, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed.
7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.25,000/- with one surety of like sum to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he 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) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge