

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9446 of 2020

- Aman Kumar Mahilange S/o Nanduram Aged About 19 Years R/o Raipur Urla, Ward No. 01, At Present Address Hardanda, P. S. Gandai, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Kabirdham Chhattisgarh

---- Non-Applicant

MCRC No. 9465 of 2020

- Jeenu @ Jitendra (Correct Name) Khandare S/o Puran Khandare Aged About 19 Years R/o Village Indauri, Bade Ragara, Police Station Pipariya, Tahsil Kawardha, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

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

--Non-Applicant

For Applicants	:	Shri Suresh Kumar Verma and Shri Dharmesh Shrivastava, Advocates
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18.02.2021

1. As both the 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 first applications under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, as they are in jail since 6.12.2020 in connection with Crime No.332/2020, registered at Police Station-

Pipariya, District-Kabirdham(C.G.) for the offence punishable under Sections 307, 34 of the IPC.

3. Case of the prosecution is that the complainant has lodged a report that when his son- Dhannu Banjare (injured) had gone to see Dashahara, while he was returning after seeing Dashahara at about 7.00 pm, two unknown persons came there riding on the motorcycle and attacked on his back with knife and ran away, due to which he received injuries. During investigation, on their memorandum statements, the applicants were taken into custody and they have admitted the commission of offence.
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 FIR was lodged against unknown persons and only on the basis of memorandum statements of the applicants, they have been arrested. He submits that there was previous enmity between the applicants and the complainant regarding marriage of sister of the complainant. He submits that son of the complainant had received simple injuries and he was discharged from the hospital on the next day after his examination. He further submits that yet charge sheet has not 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 State opposes prayer for grant of bail, however, he submits that there is no criminal antecedents against the applicants.
6. Considering the facts and circumstances of the case, particularly considering that FIR was lodged against unknown persons and only on the basis of memorandum statements, the applicants have been implicated in the crime; the injuries found on the body of the victim and he was discharged from the hospital on the next day after his examination; the age of the applicants; there is no criminal antecedents against the applicants; their detention period 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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