

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9534 of 2020

1. Bhupendra Verma @ Rahul, S/o Shyamu Verma Aged About 23 Years R/o Khursipar Police Station Khursipar Tehsil District Durg Chhattisgarh.
 2. Vicky Dewangan S/o Santosh Dewangan Aged About 20 Years R/o Khursipar Police Station Khursipar Tehsil District Durg Chhattisgarh.
- Applicants**

Versus

- State Of Chhattisgarh Through District Magistrate District Durg.

---- Non-Applicant/State

For Applicants	: Shri B.P. Singh, Advocate
For Non-Applicant/State	: Shri C.B. Kesharwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.02.2021

1. The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 12.10.2020 in connection with Crime No.171/2020 registered at Police Station- Utai, District- Durg (C.G.) for the offence punishable under Section 307/34.
2. Case of the prosecution, in brief, is that the applicants due to old enmity, with intention to commit murder of the victim/complainant namely Lokesh Awashthi assaulted him with knife and sharp weapon cutter when the complainant/victim was celebrating birthday of his friend near C.I.S.F. Battalion, as a result of which, the complainant sustained several injuries including cutting of vein, chest, stomach, waist and face.
3. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He submits that in fact the

complainant party who assaulted the applicants with cutter knife like weapon as a result of which the applicants sustained grievous injury on the applicant No.1 Bhupendra @ Rahul Verma made complaint to the Senior Suprentendent of Police, Durg and that F.I.R. was also lodged at the complainant party herein by applicant No.2 Vicky Dewangan on which offence under Section 394, 324, 34, 506 of IPC have been registered against them. The medical report of the applicant No.1 Bhupendra Verma @ Rahul Verma and copy of the F.I.R. have been filed herewith the covering memo and the complaint made to Senior Superintended of Police, Durg is annexed as A/3. Learned counsel for the applicants further submits that the applicants have no criminal antecedent, as the applicants have been arrested on 12.10.2020, charge-sheet has already been filed, they are the young offender, there is no likelihood of the applicants tampering with the evidence and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

4. On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedent.
5. Considering the facts and circumstances of the case, the nature of injuries sustained by the applicants on the complainant party, the fact that counter F.I.R. was lodged by the applicants against the complainant party, the detention period of the applicants, age of the applicants that 23 and 20 years respectively, the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event 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 the 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 them 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

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 similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim