

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9018 of 2021

- Pujeri, S/o Mani, Caste -Turi, Aged About 27 Years, R/o Village - Amgao, Police Station and Tahsil - Lundra, District -Surguja, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station - Ambikapur, District - Surguja Chhattisgarh.

---- Non-Applicant

MCRC No. 9541 of 2021

- Suraj Ghasiya, S/o Krishna Ghasiya, Aged About 27 Years, Caste- Ghasiya, R/o- Village Amgao, Police Station and Tahsil- Lundra, District-Surguja, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station Ambikapur, District- Surguja, Chhattisgarh.

---- Non-Applicant

For Applicants	: Shri Jitendra Shrivastava, Advocate
For Non-Applicant/State	: Shri Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

13.12.2021

Heard.

- 1) First bail applications of the applicants filed under Section 439 of CrPC were dismissed as withdrawn by this Court vide order dated 25.10.2021 passed in MCRC No. 6568 of 2021.
- 2) The applicants have preferred these Second Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 03.08.2021 in connection with Crime No. 676/2021 registered at Police Station- Ambikapur, District-

Sarguja (C.G.) for the offence punishable under Section 307/34 of IPC.

- 3) Allegation against the applicants is that, over money transaction dispute, they have assaulted the victim Ashish Pandey with knife as a result of which he sustained injuries on neck. The complainant immediately taken the victim to the hospital for medical treatment thereafter report was lodged the applicants and during investigation they were arrested by the police.
- 4) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the nature of injury sustained by the applicant is simple, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 03.08.2021, charge-sheet has already been filed and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of injury sustained by the victim Ashish Pandey, medical report of the victim, nature of dispute between the parties, charge-sheet has already been filed, the detention period of the applicants, who are 27 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the applications are allowed.
- 7) 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:-

- (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,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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