

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9665 of 2021

Vijay Sahis S/o Mekulal Sahis Aged About 45 Years R/o. Durpa, Police Station
Seorinarayan, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Seorinarayan District
Janjgir - Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

MCRC No. 9668 of 2021

Jagdish Sahis S/o Roop Singh Sahis Aged About 46 Years R/o Rahod P.S.
Seorinarayan Dist. Janjgir-Champa (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Seorinarayan Dist. Janjgir-
Champa (C.G.)

---- Respondent

For Applicants	:	Shri Ajay Ayachi, Advocate
For Respondent – State	:	Shri Jitendra Shukla, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

20.12.2021

1. As these two applications (MCRC No. 9665/2021 and MCRC No. 9668/2021) under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who are arrested in connection with common Crime No. 275 of 2021, registered at Police Station Seorinarayan, District – Janjgir – Champa, C.G. for the offence punishable under Sections 147, 294,

323 and 302 of the IPC, are being disposed off by this common order.

2. As per the prosecution case, on the date of incident i.e. 11.07.2021 on being receiving an invitation of a marriage ceremony which has been solemnized in the house of Vijay Sahis, complainant and his brother Harish Das/deceased was also reached to the venue to attend it. A D.J. was also set there, in which all the persons were dancing. The Harish Das/deceased and his brother/complainant was also forced to dance on the D.J. floor by Vijay Sahis, Panchu Sahis, Tikam Sahis, Golu Sahis, Jagdish Sahis and son of Jagdish Sahis and they all started pulling the deceased and complainant to the floor but when they denied to dance, they all started beating the deceased and complainant by hands and fists. One of them has assaulted the Harishdas by the help of buckle of belt due to which he sustained grievous injury on his head and during the period of treatment in the hospital he died.
3. Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the present case and there is no previous criminal antecedents of the applicants. He further argued that the applicants have been arrested 14.07.2021 and trial is likely to take some time, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the nature of case and the injury sustained to the victim and from the present accused persons no material has been seized and further that there is no likelihood of the applicants tampering with the prosecution evidence or absconding and conclusion of trial may take some time, without further commenting on merits of the case, the application is allowed.
6. It is directed that in the event of the Applicants executing a personal bond for a sum of Rs.10,000/- (to each) with two sureties in the like sum 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.

Sd/-

(Deepak Kumar Tiwari)
Judge

Yasmin