

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9773 of 2021

1. Tijeram, S/o Manohar Gond, Aged About 35 Years, R/o Village Gumanpur, Police Station Chhuikhadan, District- Rajnandgaon, (C.G.)
2. Ramkumar, S/o Barti Gond, Aged About 42 Years, R/o Village Gumanpur, Police Station Chhuikhadan, District- Rajnandgaon (C.G.)
3. Mithlesh, S/o Chintaram Gond, Aged About 26 Years, R/o Village Gumanpur, Police Station Chhuikhadan, District Rajnandgaon (C.G.)
4. Mitesh, S/o Umrao Gond, Aged About 23 Years, R/o Village Gumanpur, Police Station Chhuikhadan, District- Rajnandgaon (C.G.)

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon (C.G.)

---- Respondent

For Applicants	Dr. Shailendra Shukla, Senior Adv with Ms. Rashika Soni and Ms. Deepa Jha, Advs.
For Respondent	Ms. Smita Jha, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

21/12/2021

1. The applicants have preferred this first bail application under Section 439 of CrPC for grant of regular bail, as they have been arrested in connection with Crime No.270/2021, registered at Police Station Chhuikhadan, District Rajnandgaon for the offence punishable under Sections 294,

323, 506, 452 read with Section 34 of IPC.

2. The case of the prosecution in brief is that on 05.11.2021, the applicants came to the house of the complainant and demanded money from her husband and on refusal, they assaulted them by hand, fist and belt, thereby they committed the said offence.
3. Learned Senior counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. The applicants are poor farmers and they have no previous criminal antecedents. He further submits that the dispute took place between the applicant and the complainant family with regard to the money of the village committee and just to implicate them, they have lodged false complaint against the applicants. The applicants are in jail since 08.11.2021, therefore, they may be released on regular bail.
4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of accusation, no other criminal antecedents against the applicants, offence is triable by the JMFC and the period of detention, this Court finds fit to enlarge the applicants on regular bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of ₹ 5,000/- with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, subject to following conditions:

(I) The applicants shall furnish a coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court at the time of bail, which shall be verified from its original by the trial Court.

(II) The applicants shall furnish a specific undertaking that while on bail, they will not commit any offence of the same nature, otherwise the bail granted to them shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicants 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/her from disclosing such facts to the Court or to any police officer.

(IV) The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge