

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7712 of 2015

- Abhishek Yadav S/o Late Ram Kumar Yadav Aged About 22 Years R/o Khamhardih, Ramlila Chowk, Police Station : Pandri, District : Raipur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through :station House Officer, Police Station : Telibandha, District : Raipur Chhattisgarh. **Respondent**

MCRC No. 7717 of 2015

- Pappu Dhruv @ Kuldip Dhruv S/o Late Khubchand Dhruv Aged About 20 Years R/o Khamhardih, Ramlila Chowk, Police Station : Pandri, District : Raipur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station : Telibandha, District : Raipur Chhattisgarh

---- **Respondent**

For the applicants	:	Mr. C.R. Sahu, Advocate.
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

1. The applicants have filed these applications u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to them in connection with Crime No. 302/2015 registered at Police station Telibandha, Raipur Distt. Raipur (C.G) for the offences punishable under sections 294, 307/34 IPC.
2. Since both these applications are relating to the same crime number, they are being decided together by this common order.
3. As per the prosecution case, on 22.08.2015 while complainant Adarsh Bhattacharya and his colleagues Harish Krishnani and Devesh Krishnani were coming on motorcycle, they were intercepted by these applicants and thereafter altercation took place between complainant and applicants, which turned into quarrel wherein Adarsh Bhattacharya was assaulted by means of rod by the applicants and other co-accused and in defence,

Adarsh also sustained fracture on his left hand.

4. Learned counsel for the applicants submits that the incident happened over a road race while the complainant was driving the motorcycle in a high speed and was exploring new feats as part of stunt in the motorcycle which was objected by the applicants and because of that, the altercation took place and subsequently the complainant alongwith other co-accused went to the place of applicants and thereafter, the assault was made. He further submits that since the complainants were not known to the applicants, there is no question of any intention to commit murder and out of sudden provocation the incident took place.
5. Per contra, learned State Counsel opposes the prayer for grant of bail.
6. Perused the case diary and statements. A perusal thereof would show that the incident happened out of a road race in between the complainants and the applicants.
7. Taking into the nature of allegations and the way in which offence committed and the nature of injury sustained by the complainant on his hand and further taking the facts that the charge sheet in this case has been filed and detention period of the applicants as they are stated to be in jail since 23.08.2015, I am inclined to release these applicants on bail.
8. Accordingly, the bail petitions are allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court. They shall appear before the trial Court as and when directed by the said Court.
9. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE