

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5977 of 2016

Pawan Jaiswal, S/o. Phool Chand Jaiswal, Aged About 50 Years,
R/o. Village- Salehakapa, Police Station & Tahsil - Takhatpur,
District - Bilaspur (wrongly mentioned as District - Mungeli)
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police
Station Jarhagaon, District Mungeli, Chhattisgarh.

---- Respondent

&

MCRC No. 6211 of 2016

1. Pintu @ Vinay Ahuja, S/o. Chhedi Lal Ahuja, Aged About 22 Years,
R/o. Village - Belsari, Police Station - Jarhagaon, Revenue District -
Mungeli & Civil District – Bilaspur, Chhattisgarh
2. Golu @ Sanjeev Mohale, S/o. Mithai Ram, Aged About 24 Years,
R/o. Village - Belsari, Police Station - Jarhagaon, Revenue District -
Mungeli & Civil District – Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police
Station- Jarhagaon, Revenue District - Mungeli & Civil District
Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Malay Shrivastava & Mr. Parasmani
Shriwas, Advocates

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.10.2016

1. Both are the first bail application filed under Section 439 of the
Code of Criminal Procedure for grant of regular bail to the
applicants who have been arrested in connection with Crime
No.143/2016 registered at Police Station- Jarhagaon, District
Mungeli (C.G.) for the offence punishable under Section 147, 148,
149, 307, 323, 324, 332 & 353 of Indian Penal Code.

2. As per the prosecution case, on 30.06.2016, the complainant Pankaj Nirnejak who is Constable in the Crime Branch Mungeli along-with other Officers of the Police Station on a secret information received that the applicants and other co-accused are selling the contraband medicines raided the place in a road wherein they were selling the medicines, at that moment, while the proceedings were being carried out, the complainant Pankaj Nirnejak and Vikas Singh were attacked by the present applicants and other co-accused and one of the co-accused Jamil Shah assaulted Pankaj Nirnejak by way of a knife in his back and the other applicants assaulted by way of fist & kick.
3. Learned counsel for the applicants would submit that the charge sheet has been filed and nature of injury is simple and it is attributed to Jamil Shah and the allegations against the present applicants are that they assaulted by way of fist & kick. They would further submit that considering the role played by the present applicants and the fact that they are in jail since 01.07.2016, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Pankaj Nirnejak and Vikas Singh. Considering the facts & circumstances of the case, nature of offence and degree of allegation against the applicants and the fact that they are in jail since 01.07.2016, I am inclined to release the applicants on bail.
6. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok