

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7421 of 2016

1. Rajukumar Sao, S/o. Indradev Sao, Aged About 19 Years, R/o. Ghasidas Ward No. 27, Jamul, Bhilai, District Durg, Chhattisgarh.
2. Prakash Poya, S/o. Laxman Poya, Aged About 20 Years, R/o. Ward No.16, Housing Board Colony, House No. 10/23, Housing Board, Jamul (wrongly mentioned as Jamun), Bhilai, District Durg, Chhattisgarh.
3. Chetan Prakash Nareddi, S/o. Jagat Prasad Nareddi, Aged About 19 Years, R/o. Ward No.16, Housing Board Colony, Jamul (wrongly mentioned as Jamun), Bhilai, District Durg, Chhattisgarh.
4. Rahul Singh, S/o. Amit Singh Kori, Aged About 19 Years, R/o. Ghasidas Ward No. 27, Jamul, Bhilai, District Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Gandai, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants : Mr. B.P.Singh, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.11.2016

1. This is 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.258/2016 registered at Police Station- Gandai, District Rajnandgaon (C.G.) for the offence punishable under Sections 341, 294, 506, 323/34 of Indian Penal Code and Section 25, 27 of Arms Act.
2. As per the prosecution case, on 26.10.2016 the applicants who were traveling in the Car bearing No.CG 04 HB 9991 tried to over

take a Truck but it was not allowed, therefore, they enraged and after some time stopped the Truck and assaulted the Driver by way of Sword and from a Plastic Revolver some fire was made.

3. Learned counsel for the applicants would submit that the incident happened because of road rage and the false and inflated allegations have been attributed against the applicants. He further submits that the applicants are the students and no incriminating articles were seized from the present applicants, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and documents. The seizure document shows that Plastic Revolver and Sword was seized. Taking into the background of this case, nature of offence, degree of allegation and considering the age of the applicants who appears to be 19 to 20 years and further taking into fact that case diary do not contain any medical report of assault, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on 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