

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6175 of 2017

1. Mukesh @ Chhotu Kashyap S/o Shri Kanhaiyalal Kashyap Aged About 27 Years R/o Village Safri Bhanta Police Chowki Junapara Thana Takhatpur Civil & Revenue District Bilaspur Chhattisgarh.
2. Rohit Kumar Dhruv @ Sattu S/o Ramswaroop Dhruv Aged About 27 Years R/o Village Sukli Thana Lormi District Mungeli Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Lormi District Mungeli Chhattisgarh.

--- Respondent

For Petitioner	:	Shri Sunil Sahu, Advocate
For Respondents	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2017

Heard.

2. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.171/2017 registered at Police Station Lormi, District Mungeli for the offence punishable under Section 294, 323, 324, 326/34 of IPC.

3. Case of the prosecution is that co-accused Suraj threw a bottle on the face/body of the victim-Yashpal resulting in injury as well as injury to another victim Gangotri.

4. Learned counsel for the applicant submitted that according to the case diary statement of the victims recorded under Section 161 of Cr.P.C., it cannot be said that there was any reason for all the applicants to have any animosity with the victims and therefore, in these circumstances, when there is no

allegation of applicants having given any assault on the victims, they may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that one of the accused threw bottle while going on a motorcycle, therefore, prima facie case is made out against the applicants.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the case diary statement of the victims and the role alleged to be played by the present applicants and that the applicants are in jail since 18-06-2017 and investigation is complete, charge sheet has been filed, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that they shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E