

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1901 of 2017**

Lav Singh S/o Bharat Singh Aged About 22 Years R/o Lalkhadan,
Police Station- Torwa, Civil & Revenue District- Bilaspur, Chhattisgarh.

---- **Petitioner****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-
Torwa, District Bilaspur, Chhattisgarh.

---- **Respondent**

For applicant	Mr. C.K. Kesharwani, Adv.
For Respondent/State	Mr. Vasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27-6-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 2-9-2016 in connection with Crime No. 219/2016 registered in PS Torwa, Distt. Bilaspur for offence punishable under Section 341, 294, 506, 323, 147, 148, 149, 325 and 307 of the IPC.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed, the same was initially pending before Special Railway Magistrate, Bilaspur as Criminal Case No. 5011/2016, thereafter the matter was committed to the Court of Sessions, Bilaspur and pending before the Court of Sessions, Bilaspur. This is his first bail application before this Court. He is first offender. Bail application of co-accused Ilu Garg was dismissed by the coordinate bench of this Court vide order dated 31-1-2017 in MCRC No. 255/2017. Charge sheet has been filed by the police against the present applicant and co-accused Ilu Garg. Three juvenile are also the co-accused in the matter, for them police proceeded as per provisions of law. Case of the present applicant is that he is involved in the incident and in the

FIR at one place his presence was shown as clearly added. Co-accused is a habitual offender. There is no criminal antecedent of the applicant. He is in custody from 2-9-2016. No phone which was allegedly used to communicate with the applicant has been seized. Nothing has been seized from him. Looking to the entire facts and circumstances, the applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposes the argument advanced by learned counsel for the applicant.
5. Perused the material.
6. On perusal of the FIR lodged within 15 minutes from the incident which is a named FIR and in the said FIR it is clearly stated that the applicant and co-accused forcibly stopped the lodger of the FIR and thereafter the applicant made a phone call and called other co-accused. Thereafter all the accused persons used filthy words to the complainant and thereafter co-accused Ilu Garg and the present applicant started assaulting the complainant. From the entire perusal of the FIR lodged it cannot be said that only in the last line deliberately name of the applicant is added, rather his role is clearly mentioned many times in the FIR.
7. Also perused the order passed by the coordinate bench of rejection of MCRC No. 255/2017 passed in 31-1-2017 of co-accused Ilu Garg. On perusal of the said order, it appears that bail application of said Ilu Garg was dismissed after taking into consideration of facts and circumstances of the case, nature of allegation and degree of offence and further considering the statement and medical report of the injured and also considering the criminal antecedent of co-accused Ilu Garg. With this first part of entire consideration as aforementioned is clearly applicable in the matter.
8. On account of the fact that MCRC of co-accused Ilu Garg has been

rejected considering the entire facts and circumstances, the same is equally applicable in the present matter. Hence instant MCRC is also dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak