

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3808 of 2017**

Shivam Tandi @ Machchhi S/o Shri Babu Lal Tandi, Aged About 22 Years R/o Near Ravan Putla, Dr. Rajendra Nagar, Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh

---- Respondent**And****MCRC No. 3862 Of 2017**

Yogesh Sachdev @ Kalu S/o Late Sewaram Sachdev Aged About 19 Years R/o O C M Chowk Siddhi Apartment , Byran Bazaar, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For applicants	Mr. Syed Imtiyaj Ali, Adv.
For Respondent/State	Mr. Neeraj Mehta, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4-7-2017**

1. Heard finally.
2. As both the above MCRCs arise out of the same crime number and incident, hence they are being disposed of by this common order.
3. The applicants have preferred these applications for grant of bail as they are arrested on 15-1-2017 in connection with Crime No. 831/2017 registered in PS Civil Lines, Raipur (CG) for offence punishable under Section 307/34 of the Indian Penal Code.
4. Learned counsel for the applicants submits that after investigation, charge sheet is filed which is pending before the 5th Additional Sessions Judge, Raipur as ST No. 96/2017. The matter is fixed for evidence. Injured is Durgesh. As per MLC report, he received 4 injuries over leg and thigh. Nature of injuries is not given in the MLC report and when specific query was made regarding the nature of the injury, the doctor opined

that death could not be caused on account of the injuries. Injured never admitted in the hospital as indoor patient. At the most offence against the applicant may be under Section 324 of the IPC. As per memorandum recorded it appears that the complainant / injured himself reached to the applicant for assault. Hence both the applicants may be admitted to bail.

5. Per contra, learned counsel for the State opposes the bail applications and submits that earlier following 10 matters have been registered against applicant Shivam Tandi @ Machchhi:-

Sr. No.		Offence under Section
1.	372/2011	294, 323, 34, IPC
2.	466/2012	294, 323, 526, 324, IPC
3.	74/2013	324, 506, IPC
4.	605/2013	25, Arms Act
5.	627/2014	25 and 27, Arms Act
6.	213/2015	458, 506, 354, 323, IPC, S. 25 & 27 Arms Act
7.	353/2015	294, 506, 323, 327/34, IPC
8.	521/2015	25, Arms Act
9.	46/2013	147, 452, 294, 506, 34, IPC
10	236/2016	294, 506, 341, 327, IPC, S. 25 & 27 Arms Act

6. As per report, another accused applicant Yogesh Sachdev @ Kalu is habituated offender. Total 5 incised wound have been received by injured and it is also as per material collected that the attempt to set ablaze the vehicle of the complainant was made in the matter as the complainant was sitting in the said vehicle.
7. Perused the entire material.
8. On due consideration, looking to the criminal long past of applicant Shivam Tandi and other facts surfaced regarding number of injuries, I am not inclined to grant bail to both the applicants. Hence both the MCRCs are dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge