

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6816 of 2017

- Hitesh Verma S/o Shri Ramawtar Verma, Aged About 23 Years, R/o Village Sewar, Police Station Chakarbhatha, District Bilaspur, Chhattisgarh. Present Address Chandni Chowk Chakarbhatha, Police Station Vidhan Sabha Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station Pandri, Raipur, District Raipur, Chhattisgarh.

---- Non-applicant

And

MCRC No. 6201 Of 2017

- Ajay Kumar Rai S/o Shri Bhagirathi Rai, Aged About 29 Years, R/o Shivam City, Saddhu Raipur, District Raipur Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Station House Officer Police Station Pandari District Raipur Chhattisgarh.

---- Non-applicant

For Applicant – Shri Amit K. Chaki, Advocate (in MCRC No.6816/2017),
Shri Ashok Verma and Gajendra Sahu, Advocates (in
MCRC No.6201/2017).

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-12-2017

1. As both these MCRC arise out of the same crime number, they are being decided by this common order.
2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants for regular bail. Applicant Hitesh Verma was arrested on 28-06-2017 and applicant Ajay Kumar Rai was arrested on 05-06-2017 in connection with Crime No.155/2017 registered at P.S. Pandari Raipur, District Raipur,

C.G. for the offence under Section 307, 294, 506, 323, 34 of the IPC.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Offence under Section 307 of the IPC is not made out on the basis of prosecution documents. Co-accused in this case has been granted anticipatory bail by this Court in MCRC No.557/2017. Applicant Hitesh Verma is in jail since 28-06-2017 and applicant Ajay Kumar Rai is in jail since 05-06-2017. Hence, it is prayed that the applicants may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made.

5. Heard learned counsel for the parties and perused the case diary.

6. Facts of the case are these that on the date of incident the applicants and others came on the spot armed with clubs and sticks and finding injured Vijay Shah, Suraj Shah and Bujharat Lal present on the spot, they assaulted them with clubs and sticks and *jhara* (cooking utensil) causing injuries to them. After lodging of the FIR, the case has been investigated and charge sheet has been filed.

7. Considered on the submissions made and the contents of the case diary. Injured Vijay Shah, Suraj Shah and Bujharat Lal have suffered simple injuries in this incident, taking this into consideration, I am of this view that this is a fit case where the applicants should be granted bail.

8. Consequently, both the applications (MCRC No.6201/2017 and MCRC No.6816/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them 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 Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge