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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1192 of 2018**

1. Mukesh Jatwar, S/o. Late Shri Kholbahara Jatwar, Aged About 20 Years
 2. Rajendra Kumar Kurrey, S/o. Late Shri Mansai Kurrey, Aged About 47 Years
 3. Yuvraj Singh Kurrey, S/o. Rajendra Kumar Kurrey, Aged About 18 Years,
- All R/o. Village Godhi, Police Station -Balco Nagar, Tahsil and District- Korba (C.G.).

---- Applicants

Versus

State of Chhattisgarh, Through - The Station House Officer, Police Station Balco Nagar, Korba, District- Korba (C.G.)

---- Respondent

MCRC No. 1409 of 2018

Sushil Sande, S/o. Sakhanu Ray, Aged About 22 Years, R/o.- Village -Godi, Thana - Balco Nagar, Tahsil and District- Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattigarh, Through- Police Station- Balco Nagar, District- Korba, Chhattisgarh.

---- Respondent

MCRC No. 1435 of 2018

1. Amit Kumar Ganguli @ Nanku, S/o. Shri Manoj Kumar Ganguli, Aged About 22 Years
 2. Ashish Kumar Ganguli, S/o. Shri Manoj Kumar Ganguli, Aged About 24 Years,
- Both R/o.- Village Godhi, Police Station Balco Nagar, Tahsil and District- Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station Balco Nagar, District- Korba, Chhattisgarh.

---- Respondent

MCRC No. 1466 of 2018

1. Ranjeet Singh @ Babla, S/o. Daddi Singh, Aged About 23 Years
2. Jaiveer Singh Thakur @ Rajesh, S/o. Heera Singh Tanwar, Aged About 23 Years,

3. Sandeep Ratre, S/o. Mansai Ratre, Aged About 24 Years,
All are R/o- Village- Godhi, Police Station Balco Nagar, Tahsil and District- Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Of Police Station- Balco Nagar, Korba, District- Korba, Chhattisgarh.

---- Respondent

MCRC No. 1618 of 2018

1. Shivraj Singh Kurrey, S/o. Rajendra Kumar Kurrey, Aged About 24 Years
 2. Shailendra Kumar Anchal, S/o. Samnat Anchal, Aged About 22 Years, (in the rejection order mentioned as Sampat Prasad)
 3. Satyanarayan Anchal @ Bhaira (in the rejection order wrongly mentioned as Bhaiya) S/o Ghasiram Anchal, Aged About 38 Years
 4. Bhola Anchal, S/o. Chela Charan, Aged About 24 Years,
 5. Vikash Anchal, S/o. Satyanarayan Anchal, Aged About 20 Years
- All are R/o Village Godhi, Police Station Balco Nagar, Tahsil and Dist. Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Balco Nagar, Korba Dist. Korba Chhattisgarh.

---- Respondent

MCRC(A) No. 332 of 2018

Tejbahadur Singh, S/o. Late Shubhashchandra Dahariya, Aged About 25 Years, Caste- Satnami, R/o- Village- Godhi, Police Station- Balco Nagar, Tahsil- Korba, Civil and Revenue District- Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Acting Through Officer-In-Charge, Police Station- Balco Nnagar, District- Korba, Chhattisgarh.

---- Respondent

MCRC(A) No. 359 of 2018

Shiv Kumari Bai, W/o. Rajendra Kurre, Aged About 37 Years, R/o. Village Godhi, Police Station -Balco, District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, The Station House Officer, Police Of Police Station Balco, Through -The District Magistrate, District Korba, Chhattisgarh.

---- Respondent

AND

MCRC(A) No. 451 of 2018

Manoj Ganguli, S/o. Late Haradhan Ganguli, aged about 47 years, R/o. Village and Post Godhi, Police Station – Balco Nagar, Tahsil – Korba, Civil and Revenue District – Korba (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Acting through : Officer -in-Charge, Police Station Balco Nagar, District - Korba, Chhattisgarh.

---- Respondent

For Applicants	: Mr. B.D. Guru, Advocate Mr. Vikash Pandey, Advocate Mr. Anil Gulati, Advocate Mr. Devesh G. Kela, Advocate
For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/04/2018

1. Since the above regular bail applications and anticipatory bail application arise out of the same crime number, they are being heard and disposed of by this common order.
2. The bail applications of applicants- in M.Cr.C. No.1192/2018, in M.Cr.C. No. 1409/2018, in M.Cr.C. No.1435/2018, in M.Cr.C. No.1466/2018 and in M.Cr.C. No.1618/2018 are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to them as they have been arrested in connection with Crime No.341/2017, registered at Police- Station Balco Nagar, Korba, District– Korba (C.G.) for the offence punishable under Sections 294, 323, 506, 427, 147, 148, 325, 326 read with

Section 34 of Indian Penal Code.

3. The applicants – in M.Cr.C.(A) No.359/2018, M.Cr.C.(A) No.332/2018 and M.Cr.C.(A) No.451/2018 have preferred these bail applications filed under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.341/2017 registered at Police Station- Balco Nagar, District – Korba (C.G.), for the offence punishable under Sections 294, 323, 506, 427, 147, 148, 325, 326 read with Section 34 of the Indian Penal Code.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. It is submitted that in-fact there had been a free fight between the applicants and other with complainant party and others. One of the accused Shivraj Singh Kurrey had earlier lodged FIR, which was registered as Crime No.340/2017, whereas, the FIR of this case lodged by the complainant subsequently, hence, the crime number is registered as Crime No.341/2017. Applicants have also received injuries in the same incident because of which, the offence under Section 294, 323, 34, 427 and 506 of Indian Penal Code has been registered against the complainant and others. It is submitted that no case is made out against the applicants. Charge-sheet in this case has been filed after completion of investigation therefore, it is prayed that they may be released on regular as well as anticipatory bail respectively.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that some of the applicants namely Ranjit Singh (in M.Cr.C. No.1466/2018), Shailendra

Kumar Anchal, Bhola Anchal (in M.Cr.C. No.1618/2018), Yuvraj Singh Kurrey (in M.Cr.C. No.1192/2018), Ashish Kumar Ganguli (in M.Cr.C. No.1435/2018) have criminal antecedents of having been prosecuted in similar kind of offences on earlier occasion, hence, they are not entitled for grant of bail.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case on the date of incident a meeting was held in the village to discuss about celebration of Gurughasidas Jayanti during that meeting some dispute arose between the complainant party and applicants party and it is alleged that the applicants and others assaulted the complainants Dubey Chand, Rajnikant, Gaurishankar with clubs, rods and axes causing grievous injuries to them. After lodging of FIR, the offences have been registered against all the applicants.
8. Considered the submissions made and the contents of the case diary. On perusal of the copy of the FIR in the case diary, it appears that name of the applicants – Tejbahadur (in M.Cr.C.(A) No.332/2018), Shiv Kumari (in M.Cr.C.(A) No.359/2018 and Manoj Ganguli (in M.Cr.C.(A) No.451/2018) is not reflected. Name of these applicants have appeared in the statement under Section 161 of Cr.P.C. that was recorded two days later by the police.
9. Considering on the evidence present in the case diary and further taking into consideration this fact that there is a counter case against the complainant and others. Further on perusal of the medical report of the injured persons, it appears that, all the injuries that have been

caused to the injured, who suffered grievous injuries was by some hard and blunt object and not by any deadly weapon, which could have been used to cause death of any person, hence, under these circumstances and that the applicants have yet to face the trial, I am of this view that applicants- in M.Cr.C. No.1192/2018, in M.Cr.C. No. 1409/2018, in M.Cr.C. No.1435/2018, in M.Cr.C. No.1466/2018 and in M.Cr.C. No.1618/2018 deserve to be enlarged on regular bail and applicants in M.Cr.C.(A) No.332/2018, M.Cr.C.(A) No.359/2018 and M.Cr.C.(A) No.451/2018 also deserve to be enlarged on anticipatory bail.

10. Accordingly, the regular bail applications bearing M.Cr.C. No.1192/2018, M.Cr.C. No. 1409/2018, M.Cr.C. No.1435/2018, M.Cr.C. No.1466/2018 and M.Cr.C. No.1618/2018 filed under Section 439 of Cr.P.C. are allowed. It is directed that applicants- in M.Cr.C. No.1192/2018, in M.Cr.C. No. 1409/2018, in M.Cr.C. No.1435/2018, in M.Cr.C. No.1466/2018 and in M.Cr.C. No.1618/2018 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.
11. Likewise, the anticipatory bail applications of applicants in M.Cr.C.(A) No.359/2018, M.Cr.C.(A) No.332/2018 and M.Cr.C.(A) No.451/2018 are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The

applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge