

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2187 of 2018

1. Vikash Singh S/o Tara Singh Aged About 35 Years R/o- B.S.U.P. Colony Saddu, P.S. Vidhan Sabha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Niranjana Deep S/o Sahdev Deep Aged About 34 Years R/o- B.S.U.P. Colony Saddu, P.S. Vidhan Sabha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Vidhan Sabha Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 2195 of 2018

- Daya Nidhi Bagh S/o Gojo Bagh Aged About 25 Years R/o- Saddu, Mova, Police Station Vidhan Sabha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Vidhan Sabha, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 2446 of 2018

- Subhash Nayak S/o Jeevan Naya Aged About 23 Years R/o- B.S.U.P. Housing Colony, Saddu, Raipur, Police Station Vidhan Sabha, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Incharge, Police Station Vidhan Sabha, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 2587 of 2018

- Kirtan Nayak S/o Battu Nayak Aged About 36 Years R/o B.S. U. P. Colony, Saddu, Police Station Vidhansabha, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Vidhansabha, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

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MCRC No. 2710 of 2018

- Rajesh Baghel S/o Majanu Baghel Aged About 32 Years R/o Block No. 5/11, B. S. U. Colony, Saddhu Police Station Vidhan Sabha Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- Sallu Baghel, S/o Late Ranu Baghel, aged about 35 years, resident of block No.33/10, B.S.U.P. Colony, Saddhu, Police Station Vidhan Sabha, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Vidhan Sabha, Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Mr. P.K. Patel and Mr. Avinash Singh,
Advocates.
For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

11/05/2018

1. At the outset, counsel for the applicant Rajesh Baghel in MCRC No. 2710/2018 seeks permission of this Court to withdraw this application.

2. It is ordered as prayed for.
3. Accordingly, the bail application filed by Applicant Rajesh Baghel in MCRC No.2710/2018 under Section 439 of Cr.P.C is dismissed as withdrawn. The application is survived for applicant No.2 Sallu Baghel.
4. Since all the bail applications arise out of the same crime number, they are being disposed of by this common order.
5. All these applications are first bail application of the applicants under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants as they have been arrested in connection with Crime No.288/2017 registered at Police Station - Vidhansabha, District – Raipur(C.G.) for the offence punishable under Sections 147, 294, 324, 506 Part-II, 148, 307, 34 of Indian Penal Code (for short 'IPC').
6. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question in all the cases. Applicants are in jail since quite some time. Charge-sheet has been filed against these applicants after completion of investigation. No case is made out against them under Section 307 of IPC on the basis of the material present in the charge-sheet. Hence, it is prayed that they may be released on regular bail.
7. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that according to the material present in the case diary, it is clearly made out that all the applicants had intention to cause death of victim Bhola Chouhan, hence, they are not entitled for grant of regular bail.
8. Heard both the parties and perused the case diary.
9. According to prosecution case, on the date of incident i.e. 20.10.2017 at about 9.15 p.m. the residents of one locality engaged in fight with

the residents of other locality in which main accused Rajesh Baghel and these applicants were members of one of the parties which assaulted victim Bhola Chouhan, Ravi and Ganga. It is alleged that co-accused Rajesh assaulted with a knife causing 8 stab injuries on the back of Bhola Chouhan. FIR was lodged on 21.10.2017 and on that basis, case has been registered against these applicants.

10. It has been stated by the counsel for applicants that on the basis of FIR lodged by the applicants' side, a counter case has been registered against Bhola Chouhan and others for the offence under Section 307 of IPC along with other offences under various provisions of IPC.

11. After due consideration, it appears that these applicants were members of the assailant party but they do not appear to be the main assailants in this case. Further, present appears to be a case of free fight. For these reasons, I am of this view that this is a fit case where applicants should be enlarged on regular bail.

12. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge