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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2740 of 2018

1. Ashutosh Ramteke S/o Shri Krishna Kumar Ramteke, Aged About 21 Years, R/o- Ward No. 12, Najarlal Para, Sirgitti, P.S.- Sirgitti, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Gopi Kaushik S/o Ram Gopal Kaushik, Aged About 24 Years, R/o- Ward No. 12, Najarlal Para, Sirgitti, P.S.- Sirgitti, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Vinod Shrivass S/o Shri Nakul Shrivass, Aged About 29 Years, R/o- Ward No. 14, Daiyanpara, P.S.- Sirgitti, All Incident P.S.- Sirgitti, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

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

---- Non-applicant

MCRC No. 3144 of 2018

1. Sumit Sahgal Sondhiya S/o Purushottam Sahgal, Aged About 25 Years, R/o Najarlalpara, Sirgitti, P. S. Sirgitti, Tahsil And Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sirgitti, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

--- Non-applicant

MCRC No. 3634 of 2018

1. Rohan More S/o Sunil More Aged About 22 Years R/o- Bangla Yard, Nurse Basti Railway Colony Police Station- Towra Civil And Revenue, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

--- Non-applicant

For Applicant(s) – Smt. Indira Tripathi, Advocate (in MCRC No.2740/2018 and MCRC No.3144/2018),

Shri K.P.S. Gandhi, Advocate (in MCRC No.3634/2018).

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-05-2018

1. As these three applications arise out of the same crime number, i.e.

Crime No.76/2018, registered at Police Station Srigitti, District- Bilaspur, Chhattisgarh for the offence under Section 307, 456, 34 of the IPC, 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 applications before this Court filed by the applicants for grant of regular bail as applicant Rohan More (in MCRC No.3634/2018) has been arrested on 19-03-2018 and applicants Ashutosh Ramteke, Gopi Kaushik, Vinod Shrivastava (in MCRC No.2740/2018) and applicant Sumit Sahgal Sondhiya (in MCRC No.3144/2018) have been arrested on 09-03-2018 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. No case is made out against them. The applicants Ashutosh Ramteke, Gopi Kaushik, Vinod Shrivastava (in MCRC No.2740/2018) and applicant Sumit Sahgal Sondhiya (in MCRC No.3144/2018) are in jail since 09-03-2018 and applicant Rohan More (in MCRC No.3634/2018) is in jail since 19-03-2018. They are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that they may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that offence alleged against these applicants are of grievous nature, hence, they are not entitled for grant of bail.

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

6. According to the case of prosecution, on 09-03-2018 complainant Bisru Nirmalkar, was watching television at about 20.40 pm, on hearing knock on door, he came out and saw one tall and one medium person. The tall person took out a knife like weapon and assaulted on his chest. The complainant tried to save himself, but he was injured on his chest and left leg and on his raising alarm, the assailants ran away from the spot. Thereafter, the FIR has been

lodged by the complainant. During investigation, it has been disclosed in the memorandum statement of co-accused Sheikh Ajhar @ Ajju that another co-accused Ganesh Tiwari said that he had previous dispute with son of the injured, because of which, both of them along with other co-accused persons came to the house of the complainant and when he came out from the house he was assaulted by Ajhar and Ganesh Tiwari with knife like weapon. Seizure of gupti has been made from the co-accused Sheikh Ajhar and applicant No.2 Gopi Kaushik (in MCRC No.2740/2018). Other articles of assault and motorcycle have also been seized in the investigation.

7. On perusal of the case diary, it appears that no test identification parade has been conducted to identify the assailants in this case. Apart from that, according to the discloser of memorandum of co-accused, none of these applicants have played role in assaulting the injured/victim in this case. Hence, for these reasons, I am of this view that all these applicants deserve to be granted regular bail.

8. Consequently, all these three applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail 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