

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4866 of 2018

- Sumit Tiwari S/o Sanjay Tiwari Aged About 19 Years R/o Village- Vijyapurama Colony/49, Thana- Sarkanda, Seepat (Incomplete), Seepat Road, Tah- Bilaspur, District- Bilaspur, Chhattisgarh.....(In Jail), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station, Sarkanda, District- Bilaspur, Chhattisgarh.....(Non Applicant), District : Bilaspur, Chhattisgarh

---- Respondent

MCRC No. 5294 of 2018

- Suryakant Sahu S/o Jageshwar Prasad Aged About 30 Years R/o Ashok Nagar Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

MCRC No. 4777 of 2018

- Siddharth Pandey @ Sonu S/o Lakshendra Pandey Aged About 23 Years R/o- Bangalipara, Police Station Sarkanda, District- Bilaspur,

Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

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MCRC No. 4894 of 2018

- Somi Rao S/o Ramadhar Rao, Aged About 29 Years R/o Devridih, Police Station Torwa, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, Civil And Revenue District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Pradeep Rajgir, Advocate in MCRC No.4866/2017.
		Mr. B.D. Guru, Advocate in MCRC No.5294/2018.
		Mr. Manoj Paranjpe, Advocate in MCRC No.4777/2018.
		Mr. Shiv Raj Singh, Advocate in MCRC No.4894/2018.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

31/07/2018

1. Since all the bail applications arise out of the same crime number, they are being disposed of by this common order.
2. 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.191/2018 registered at Police Station - Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 294, 249, 506, 323, 324, 307 read with Section 149 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question without there being any evidence against them. Charge-sheet has been filed against these applicants after completion of investigation. No case is made out against them on the basis of the material present in the charge-sheet. Applicants are the students and boys of tender age. Trial against them is likely to take some time before its conclusion, hence, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that one of injured namely-Subhash Choubey has received grievous injury on his head i.e. fracture of skull bone. Hence, the offence committed is of gravity because of which applicants are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, applicant Suryakant Sahu in MCRC

No. 5294/2018 invited other applicants, the complainant and injured persons on his plot to have a party. It was during the party, Suryakant Sahu got inebriated and therefore he was asked to leave by Ashutosh Tiwari as a result of which applicant Suryakant Sahu got enraged and he along with these applicants as well as some other co-accused persons assaulted the injured and other persons with clubs, baseball bat, hands and fists and thereby caused injuries to Subhash Choubey, Ashutosh Tiwari and Rajeshwar Sahu. Injury sustained by Subhash Choubey has been reported to be grievous in nature.

7. Considering the material present in the case diary, the fact that there is no such report that the injuries caused to injured Subhash Choubey were sufficient to cause his death in the ordinary course of nature, all the applicants are students pursuing their studies and further considering that case is pending before the trial Court and the trial is likely to take some time before its conclusion, I am of this view that it is a fit case where the applicants should be enlarged on regular bail.
8. 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