

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4842 of 2018**

K. Karan, S/o. K. Petaiyya, Aged About 21 Years, R/o. Sector - 11, Sweeper Mohalla, Behind Dena Bank, Police Station Chhawani, Tahsil and District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, Durg, District Durg Chhattisgarh.

----Respondent

AND

M.CR.C. No. 4898 of 2018

Suraj Sishodiya, S/o. Bharat Lal Sishodiya, Aged About 19 Years, R/o. Village Ghatiya Khurd, Thana Nandani, Tahsil and District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station Pulgaon, District Durg Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Manish Upadhyay, Advocate & Mr. J.K. Gupta, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/08/2018

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.491/2017, registered

at Police Station- Pulgaon, District – Durg (C.G.) for the offence punishable under Section 302, 323, 506, 34 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 22.12.2017 and 15.12.2017 respectively. No case is made out against them according to the material present in the charge-sheet. These applicants have not been named by the injured witness in this case as one of the assailant and no seizure of any articles has been made from them. Hence, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that the main witness has given statement that except one inmate of juvenile home, all the others had engaged in assaulting the main witnesses injured C.H. Ramarao and the deceased Parath Sahu. It is a clear statement, which shows the involvement of these applicants, hence, it is prayed that the applicants may not be released on bail.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. As per the prosecution case in brief is that on the date and time of incident in the past-midnight, when the deceased Parath Sahu and injured were sleeping in place of safety in Juvenile Home, Manoj Verma, Vikash Sahu and Akhilesh Sonkar along with other inmates except one assaulted the deceased and the injured C.H. Ramarao with clubs and other articles causing injuries to them, one of the injury caused was fatal to life of the deceased. Hence, this case.

7. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and for the reason that specific name of these applicants has not been mentioned in the statement of the main witness, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed.
9. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge