

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5982 of 2018

1. Rajesh Kumar Nirmalkar S/o Sadhram Nirmalkar Aged About 36 Years R/o- Village Bhauradih, Police Station Seepat, District- Bilaspur, Chhattisgarh.
2. Sithlesh Nirmalkar S/o Sadhram Nirmalkar Aged About 26 Years R/o- Village Bhauradih, Police Station Seepat, District- Bilaspur, Chhattisgarh.
3. Ramayan Nirmalkar S/o Panchram Nirmalkar Aged About 25 Years R/o- Village Bhauradih, Police Station Seepat, District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Seepat, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Shri Hemant Kesharwani, Advocate.
For Respondent/State : Shri Vaibhav Goverdhan, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/09/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 189/2018, registered at Police Station Seepat District Bilaspur (C.G.) for the offence punishable under Sections 294, 323, 506, 452, 427 & 34 of the IPC.
2. As per the prosecution story, complainant has lodged a report alleging that he is working as operator in the petrol pump, at about 9:30 PM the applicants came there and demanded petrol on credit, when the complainant denied the same, on account of non-fulfillment of demand, the applicants abuses and assaulted

the complainant as well as other employees of the petrol pump. On the basis of said report offence has been registered and the applicants have been arrested on 24.07.2018.

3. Shri Hemant Kesharwani, learned counsel appearing on behalf of the Applicants submits that applicants are innocent and they have been falsely implicated in the present case, he further submits that except offence under Section 452 of the IPC all other offence are bailable, applicants have no criminal antecedents, they are in custody since 24-07-2018 and trial will take some time. Therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicants have no criminal antecedents, they are in custody since 24-07-2018, offence is triable by JMFC and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge