

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5799 of 2018**

1. Jay Singh S/o Shri Narsingh Bahadur, Aged About 36 Years, R/o Baijirao, Mahrapara, Raigarh, Out Post Jutemill, Police Station City Kotwali Raigarh, Tahsil Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Mohammad Chotu Khan @ Firoz S/o Mohammad Amir Aged About 27 Years R/o Bajirao, Mahrapara, Raigarh, Out Post Jutemill, Police Station City Kotwali Raigarh, Tahsil Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Station House Officer Of The Police Station Tamnar Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

**---- Non-applicant**

**MCRC No. 5878 of 2018**

- Deepak Singh S/o Shri Mritunjay Singh, Aged About 27 Years, R/o Village Kondatarai, Tehsil Pussore, District Raigarh Chhattisgarh, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Incharge Police Station Tamnar, District Raigarh Chhattisgarh, Chhattisgarh

**---- Non-applicant**

---

For Applicant(s) – Shri Manoj Paranjpe and Shri Abhishek Saraf, Advocates  
(in MCRC No.5799/2018),  
Shri Ankit Singhal, Advocate (in MCRC No.5878/2018).  
For Non-applicant/State – Shri Rahul Tamaskar, Panel Lawyer.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**20-08-2018**

1. As these two applications arise out of the same crime number, i.e., Crime No. Crime No.215/2017 registered at P.S. Tamnar, District- Raigarh, Chhattisgarh for the offence under Section 147, 148, 294, 323, 506, 307, 34 of the IPC and under Section 3(1) द घ, and Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, they are decided by this common order.
2. These are first bail applications filed before this Court by the applicants

under Section 439 of the Cr.P.C. for grant of regular bail. The applicants have been arrested on 10-07-2018.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 10-07-2018. No case is made out against them for commission of offence under Section 307 of the IPC. Similarly placed co-accused persons Smt. Ganga Sahu and Chandan Singh @ Pappu Singh have been granted bail by this Court. Hence, it is prayed that these applicants may also be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that applicants Jay Singh and Mohammad Chotu Khan @ Firoz (applicants in MCRC No.5799/2018) have criminal antecedent of having 16 criminal cases against both the applicants. Hence, they are not entitled for grant of bail.

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

6. In this case on the date of incident on account of some land dispute the applicants in both the applications and other co-accused persons engaged in a fight with complainant Bharat Rathiya and others and at the same time they assaulted the injured persons of the other party with clubs, axes and swords causing various injuries to them.

7. As per the contents of the case diary, one counter case has also been registered against the complainant and others on the basis of the FIR lodged by the applicants side. On perusal of the medical report of the injured persons, it appears that none of the injured persons has suffered any fatal injury. Hence, for these reasons, I feel inclined to grant regular bail to these applicants.

8. Consequently, both these 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 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**

Aadil