

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1213 of 2018

- Rishikesh Sharma S/o Pradeep Sharma Aged About 22 Years R/o Beside Of Green Garden Colony Gate, Shri Gulabramaji Niwas, Mungeli Road Mangala, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

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MCRC No. 6119 of 2018

1. Atul Yadav S/o Tulsi Yadav Aged About 25 Years R/o Chantidih, Near Gaytri Mandir Police Station Sarkanda District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Rishi Tiwari S/o Ashwani Tiwari Aged About 30 Years R/o Kududnand Near S. B. T. College, Police Station Civil Line, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

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

---- Respondent

For Applicants : Mr. Rajeev Shrivastava, Advocate in MCRC
No.6119/2018.
Mr. Vivek Sharma, Advocate in MCRC
No.1213/2018.
For Respondent : Mr. Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/09/2018

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicant Rishikesh Sharma has filed M.Cr.C(A) No.1213/2018 seeking anticipatory bail as he apprehends his arrest in connection with Crime No.191/2018 registered at Police Station-Sarkanda, Bilaspur for the offence punishable under Sections 307, 324, 323, 294, 506 & 147 Indian Penal Code (for short 'IPC').
3. Applicant Atul Yadav & Rishi Tiwari have filed M.Cr.C. No.6119/2018 seeking regular bail as they have been arrested in connection with Crime No.191/2018 registered at Police Station Sarkanda, Bilaspur for the offence punishable under Sections 147, 148, 294, 249, 506, 323, 324 & 307 read with Section 149 of the Indian Penal Code.
4. Learned counsel for the applicants submits that applicants have been falsely implicated in this case. These applicants were only present in the party where main accused Suryakant Sahu was also present along with the complainant and other persons. There is no allegation against these applicants that they were responsible for causing injuries to injured Subhash Choubey, Ashutosh Tiwari and Rajeshwar Sahu.

Similarly placed co-accused persons have been granted regular bail by this Court. Hence, it is prayed that they may also be enlarged on regular as well as anticipatory bail.

5. Learned State counsel opposes the bail applications and the submissions made in this respect
6. Heard both the parties and perused the case diary.
7. On the date of incident the applicants were present with the main accused Suryakant Sahu in the party. During that party, the main accused got inebriated and started misbehaving, therefore, he was asked to leave due to which co-accused Suryakant Sahu got enraged and he with the help of other accused persons assaulted Subhash Choubey, Ashutosh Tiwari and Rajeshwar Sahu. Subhash has been reported to be injured grievously, hence, this case.
8. After considering all the material present in the case diary, looking to the evidence that is present against the applicants and further considering the fact that similarly placed co-accused persons have been granted regular bail and also for the reason that charge-sheet has been filed after completion of investigation, I am of this opinion that this is a fit case where applicants should be benefited with grant of anticipatory as well as regular bail.
9. Accordingly, the bail application i.e. M.Cr.C. No.6119/18 filed on behalf of applicants Atul Yadav & Rishi Tiwari under Section 439 of Cr.P.C. is allowed. It is directed that they 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 concerned trial Court, for their appearance as and when directed.

10. Bail application filed on behalf of applicant Rishikesh Sharma i.e. M.Cr.C. (A) No.1213/2018, is also allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge