

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6847 of 2018**

- Manoj Vithalkar S/o Late Shri M. M. Vithalkar Aged About 50 Years R/o Tilak Nagar Bilaspur, P. S. Civil Line, Dist. Bilaspur CG

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Sakri, Dist. Bilaspur CG

---- Respondent

MCRC No. 7901 of 2018

- Akhilesh Sharma @ Sharma Singh S/o Shri Rajendra Sharma Aged About 48 Years R/o Chandela Vihar Jarhabhatha, Bilaspur, Police Station Civil Line Bilaspur Tahsil And District Bilaspur CG

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sakri, District Bilaspur CG

---- Respondent

For applicant Manoj Vithalkar
For applicant Akhilesh Sharma
For Respondent/State

Mr. Akhtar Hussain, Adv.
Mr. Rishi Rahu Soni, Adv.
Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12-10-2018**

1. As both the above bail applications arise out of same crime number of same police station, they are being disposed of by this common order.
2. These are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other court.
3. The applicants have been arrested in connection with Crime No. 237/2018 registered in police station Sakri, Distt. Bilaspur (CG) for offence punishable under Section 307/34 of the IPC.
4. Prosecution story in brief is that on 10-8-2018 at about 8.30 pm, applicants and co-accused Vedprakash abused the the complainant. The applicant Manoj and co-accused Ved Prakash beat him by hands and fists. Applicant Akhilesh Sharma caused injuries on his head and abdomen by knife. As per MLC report of the complainant, one incised wound was found on the head of the complainant, two incised wounds

were found on his abdomen. The doctor opined that injuries were caused by sharp object.

5. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they may be released on bail.
6. On the other hand, the State Counsel opposed the bail applications.
7. Looking to the facts and circumstances of the case, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant **Manoj Vithalkar**. Consequently, the MCRC No. 6847/2018 is allowed. It is ordered that if applicant **Manoj Vithalkar** furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
8. As regards MCRC No. 7901/2018 preferred by applicant Akhilesh Sharma, looking to the allegations leveled against him and the injuries caused by him in the incident to the complainant, I am not inclined to grant him bail.
9. Consequently, **MCRC No. 7901/2018** is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge