

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6874 of 2018

- Kanwaljeet Bath S/o Late Dr. B.S. Bath, aged about 35 Years R/o 59/9 Nehru Nagar (West) Bhilai Tahsil and District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police Station- Mohan Nagar, Durg, District – Durg, Chhattisgarh.

---- Respondent

AND

MCRC No. 7300 of 2018

- Rakesh Tiwari S/o Rajendra Tiwari, aged about 40 Years R/o Road No.04 House No. 285 Shsntinagar Supela Bhilai, District -Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through -District Magistrate Durg, Civil And Revenue District -Durg, Chhattisgarh.

---- Respondent

AND

MCRC No. 7662 of 2018

- Vimal Chansoliya S/o Bhagwandas Chansoliya, aged about 35 Years R/o Ekta Parisar House No. 363 Malviya Nagar Durg, Permanent R/o Jawahar Nagar Rampura District, Jalaund, Place Urai Uttar Pradesh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Mohan Nagar, Durg, District- Durg, Chhattisgarh.

---- Respondent

MCRC No. 7427 of 2018

- Yogesh Khandelwal S/o Late Prem Narayan Khandewal, aged about 30 Years R/o Near Bajrang Kirana Store, Harinagar, Durg, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Mohan Nagar, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 6874 of 2018)	: Shri B.P. Singh, Advocate.
For Applicant (In MCRC No. 7300 of 2018)	: Shri Amiyakant Tiwari, Adv.
For Applicant (In MCRC No. 7662 of 2018)	: Shri B.P. Singh, Advocate.
For Applicant (In MCRC No. 7427 of 2018)	: Shri L.C. Dash, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/10/2018

1. Heard.
2. Since all the cases arise out of same crime number, therefore, they are being disposed of by this common order.
3. The applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 285/2018, registered at Police Station – Mohan Nagar, Durg, District- Durg, (C.G.) for the offence punishable under Sections 294, 506, 384/34 of IPC (In MCRC No. 6874/2018), under Sections 294, 506, 384/34 of IPC (In MCRC No. 7300/2018), under Sections 294, 506, 384/34 of IPC and 25 & 27 of Arms Act (In MCRC No. 7662/2018) & under Sections 294, 506, 384/34 of IPC and 25 & 27 of Arms Act (In MCRC No. 7427/2018).
4. As per the prosecution story, Complainant Hemant Kumar Bafna,

Manager of the Toll Plaza, lodged a report alleging therein that on 27.07.2018 at about 2:49 AM, four persons came near toll plaza in Car bearing registration No. C.G. 07 MA 4853 and demanded Rs. 1000/- from the toll staff Pramod Soni, which was refused by toll staff, on which, the accused persons abused him and shown pistol also. On the basis of said report, offence has been registered against the unknown accused persons. During course of investigation, all the Applicants have been arrested and taken into custody since 28.07.2018 (In MCRC No. 6874/2018 & MCRC No. 7300/2018 respectively), 31.07.2018 (In MCRC No. 7662/2018) and 28.07.2018 (In MCRC No. 7427/2018).

5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. They further submit that the Applicants have no criminal antecedent, they are in custody since 28.07.2018 (In MCRC No. 6874/2018 & MCRC No. 7300/2018 respectively), 31.07.2018 (In MCRC No. 7662/2018) and 28.07.2018 (In MCRC No. 7427/2018) and trial will take some time. Therefore, they may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. 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 antecedent, Charge-sheet has already been filed, they are in custody since 28.07.2018 (In MCRC No. 6874/2018 & MCRC No. 7300/2018 respectively), 31.07.2018 (In MCRC No. 7662/2018) and 28.07.2018 (In MCRC No. 7427/2018) and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the applicants shall be released on bail on each of

them executing 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

Prakash