

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6103 of 2018**

- Ritesh Sahare S/o Hemraj Sahare Aged About 20 Years R/o Ward No. 5, Panchshil Colony Tifra, P. S. Sirgitti Bilaspur Tahsil And District Bilaspur CG

---- Applicant

Versus

- State of Chhattisgarh through the P. S. Sirgitti Distt. Bilaspur CG

---- Respondent

MCRC No. 7392 of 2018

- Ajay Ghritlahre S/o Bholaram Ghritlahre aged about 18 Years R/o Yadunandan Nagar, Tifra, P. S. Sirgitti, Tahsil and Distt Bilaspur CG

---- Applicant

Versus

- State of Chhattisgarh through the P. S. Sirgitti Distt. Bilaspur CG

---- Respondent

For applicant Ritesh Sahare	Mr. P.K. Tulsyan, Adv.
For applicant Ajay Ghritlahre	Mr. Raj Kumar Gupta, Adv.
For Respondent/State	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27-9-2018**

1. As both the above bail applications arise out of Crime No. 276/2018 registered in police Station Sirgitti, Bilaspur they are being disposed of by this common order.
2. The State counsel has not produced the case diary. Counsel for the applicants produced copy of charge sheet. I have perused the same.
3. 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.
4. The applicants have been arrested in connection with Crime No. 276/2018 registered in police station Sirgitti, Bilaspur (CG) for offence punishable under Sections 294, 323, 327, 341, 506 and

34 of IPC.

5. Prosecution story in brief is that on 19-7-2018 at about 10.30 PM complainant Aquib Javed was going to his house at Yadunandan Nagar by his own car. On the way, the applicants and their companions stopped the car of the complainant. Applicant Ajay Ghrilahre demanded money from the complainant to consume liquor. When the complainant did not give them money, the applicants and their companions abused the complainant, also threatened to kill him and beat him by hands, fists and belts.
6. Counsel for the applicants argued that the applicants are innocent and falsely implicated hence they be released on bail.
7. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
8. As per the arrest memos of the applicants enclosed in the charge sheet, it has been mentioned that there is no criminal antecedent of the applicants.
9. The offences are triable by JMFC.
10. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the applications are allowed. It is ordered that if each applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of Rs. 25,000/- to the satisfaction of the trial Court concerned with the condition that they will appear before the concerned trial Court at 11 AM as and when directed till trial, they be released on bail.
11. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge