

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6846 of 2017

1. Raj And Ors. Aged About 24 Years S/o Anand Suryavanshi, R/o Satnami Mohalla, Chingrajpara, Thana Sarkanda Bilaspur, Tahsil And District Bilaspur, Chhattisgarh, Chhattisgarh
2. Jimesh Aged About 22 Years S/o Anand Suryavanshi, R/o Satnami Mohalla, Chingrajpara, Thana Sarkanda Bilaspur, Tahsil And District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Naresh Aged About 28 Years S/o Anand Suryavanshi, R/o Satnami Mohalla, Chingrajpara, Thana Sarkanda Bilaspur, Tahsil And District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Monti @ Ankush S/o Ghanshyam Suryavanshi, Aged About 18 Years 03 Month, R/o Satnami Mohalla, Chingrajpara, Thana Sarkanda Bilaspur, Tahsil And District Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Sarkanda, District Bilaspur, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants	:	Mr. K. K. Khatri, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

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

15/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.438/2017, registered at Police Station Sarkanda, District-Bilaspur (C.G.) for the offence punishable under Sections 341, 147, 148, 149, 294, 323, 325 & 326 of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicants are in jail since 08-08-2017. Chargesheet has been filed against the applicants. No

case is made out against the applicants on the basis of material on record of the prosecution case. Hence, it is prayed that applicants may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that serious injuries has been inflicted on the victim by the use of rod and sickel. Hence, applicants are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Considered the submissions made and contents of the case diary. On the date of incident, the applicants having common intention, assaulted the complainant Vijay Naresh and caused various injuries to him. Applicant No. 1 Raj assaulted him with a rod and applicant No. 2 Jeemesh stabbed the complainant with sharp sickel causing him deep injury because of that he was required to be hospitalized for 10 days. Hence the case has been registered against the applicants. Applicant No. 2 Jeemesh is the main assailant who caused injury to the complainant by stabbing the complainant with sharp sickel. This is an act according to which there had been likelihood of causing death of the complainant. Therefore, applicant No. 2 does not appear to be entitled for grant of bail, whereas, the rest of the applicants appear to be entitled for grant of bail. Hence, Application of applicant No. 2 is rejected whereas the application of rest of the applicants is allowed.
6. Accordingly, it is directed that the applicants No. 1, 3 & 4 shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(**Rajendra Chandra Singh Samant**)
Judge