

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6587 of 2017

- Rakesh @ Ballu Rajput S/o Shri Ramsanehi Rajput, Aged About 20 Years R/o Chingrajpara, P. S. Sarkanda, Bilaspur, District Bilaspur Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate P. S. Sarkanda, Bilaspur, District Bilaspur Chhattisgarh., Chhattisgarh

---- Respondent

&

MCRC No. 6721 of 2017

- Durgesh Sahu S/o Vishram Sahu, Aged About 18 Years R/o Chingrajpara, P. S. Sarkanda, Tahsil And District Revenue And Civil Bilaspur Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sarkanda, District Revenue And Civil Bilaspur Chhattisgarh., Chhattisgarh

---- Respondent

&

MCRC No. 6352 of 2017

1. Akash Gandharw And Anr. S/o Mohan Gandharw Aged About 19 Years R/o Atal Awas Bahtarai Road, Sarkanda Police Station Sarkanda Tahsil And District Revenue And Civil Bilaspur Chhattisgarh. , Chhattisgarh
2. Shankar Kenwat S/o Chhedilal Kenwat Aged About 19 Years R/o Chingrajpara Police Station Sarkkanda Tahsil And District Revenue And Civil Bilaspur Chhattisgarh. , District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Staton Sarkanda District

Revenue And Civil Bilaspur Chhattisgarh. , Chhattisgarh

---- Respondent

For Applicants	:	Mr. V.C. Ottalwar and Mr. Anand Kesharwani, Advocates.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/01/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The above bail applications are applicant's first bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 633/2017, registered at Police Station- Sarkanda, District (Revenue & Civil)– Bilaspur(C.G.) for the offence punishable under Sections 294, 323, 506, 326/34 of Indian Penal Code (for short 'IPC') and Section 25 of Arms Act.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. No case is made out against the applicants on the basis of material on record of the prosecution case. Applicant Rakesh @ Ballu Rajput in MCRC No.6587/2017 is in jail since 14.9.2017 and applicants-Akash Gangdharw, Shankar Kenwat and Durgesh Sahu in MCRC Nos.6352/2017 and 6721/2017 are in jail since 15.9.2017 and they are willing to abide by all the conditions and direction, which may be imposed while granting bail to the applicants. Hence, it is prayed that applicants be enlarged on bail.

4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that applicants do not deserve to be enlarged on regular bail.
5. Heard both the parties and perused the case diary.
6. On the date of incident on 11.9.2017 Manish Yadav and others were celebrating birthday of their friend Neeraj Yadav, when applicants and others came on the spot objecting to playing songs on sound box, because of which exchange of words took place and then applicant and other abused the complainant with obscene words and then assaulted the complainant and others with hands, fists, club and sword causing injuries to Manish Yadav and Vedram Yadav. Injury was caused by sword to Vedram because of which he suffered a fracture on frontal bone thus grievous injuries were caused, but there is no report that the injury caused to Vedram was fatal.
7. Considered on the submissions made and the contents of the case diary. Taking into consideration this fact that all the applicants are local residents of District-Bilaspur and have no criminal history against them and there is no likelihood of their absconding. For these reasons, applicants deserve to be enlarged on regular bail.
8. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that all the applicants shall 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 trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

