

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7612 of 2018**

1. Banti Deep, aged about 19 years, son of Shri Mahendra Deep.
2. Naresh Durga @ Nikku, aged about 19 years.

Both are R/o Near Jagdish Kirana Stores, Durga Nagar, P.S. Devendra Nagar,
Tahsil and District Raipur (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Devendra Nagar, Raipur
(CG). **---- Non-applicant**

AND**MCRC No.8895 of 2018**

Laxman Mandal @ Lachchhu, S/o late Shri Babu Mandal, aged about 23
years, R/o Pandri Tala, Near Purana Shitla Mandir, P.S. Devendra Nagar,
Raipur, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Devendra Nagar, Raipur, District
Raipur (CG). **---- Non-applicant**

For Applicants : Mr. Pushpendra Kumar Patel and Ms. Sunita Sahu,
Advocates.
For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.12.2018**

1. Above mentioned two bail applications arise out of a common Crime No.133/2018 registered at Police Station Devendra Nagar, Raipur, District Raipur for the offence punishable under Sections 294, 506B, 323, 324, 307 read with Sec.34 of IPC, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that on 01.07.2018 at about 8:45 p.m. near Garba ground at Devendra Nagar, Raipur, 03-04 unknown persons reached there and abused the complainant Nagendra Patel and gave the threatening to kill him and beat him by chair and some pointed object. As per MLC report of the complainant, one incised wound was found on his left thigh, one incised wound was found on right side of chest and one incised wound was found on

right temporary region. Injuries were simple in nature and caused by sharp object. As per query report, if the complainant did not give properly treatment at that time, then injuries could be fatal. During the investigation, complainant also identified the applicants and co-accused Rohit Tandi.

3. Counsel for the respective applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
4. Counsel for the State opposed the prayer for grant of bail. However, he submitted that no criminal antecedent reported against the applicants in police case diary.
5. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.7612/2018 & M.Cr.C. No.8895/2018) are allowed.
6. It is directed that in case, each of the applicants in M.Cr.C. No.7612/2018, applicant No.1-Banti Deep and applicant No.2-Naresh Durga @ Nikku and applicant in M.Cr.C. No.8895/2018 applicant-Laxman Mandal @ Lachchhu furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-