

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7669 of 2017

1. Ankit Kumar Sarthi And Ors. S/o Dhannu Sarthi, Aged About 18 Years R/o Atal Awas Sakri, P. S. Chakrabhata, Tahsil And District Bilaspur Chhattisgarh , Chhattisgarh
2. Vijay Maravi, S/o Laxman Maravi, Aged About 18 Years R/o Atal Awas Sakri, P. S. Chakrabhata, Tahsil And District Bilaspur Chhattisgarh , District : Bilaspur, Chhattisgarh
3. Nikhil Yadav, S/o Tejram Yadav, Aged About 19 Years R/o Atal Awas Sakri, P. S. Chakrabhata, Tahsil And District Bilaspur Chhattisgarh , District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P. S. Chakrabhata, Outpost Sakri, District Bilaspur Chhattisgarh , Chhattisgarh

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 499/2017, registered at Police Station- Chakrabhata District – Bilaspur(C.G.) for the offence punishable under Sections 147, 148, 506, 452, 323, 294, 427 of Indian Penal Code (for short 'IPC') and Section 3 of Lok Sansthan Adhiniyam.
2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case. It is submitted that in the first

statement given by the complainant, name of these applicants were not disclosed, but later on their names have been added as a result of concoction. Applicants are of age 18-19 years and they are local residents of District-Bilaspur. All the offences registered against them are triable by JMFC and they are willing to abide by all the conditions and directions, which may be imposed on them while granting bail. Hence, it is prayed that applicants be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is sufficient and *prima-facie* evidence for prosecution of the applicants, hence, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident, co-accused Rakesh Sarthi came to purchase country made liquor in the liquor shop, when he was asked to stand in queue, he got annoyed and abused the salesman Balmukund Kaushik. Soon after that Rakesh Sarthi came along with 8 to 10 persons armed with clubs and stones and all of them abused, threatened and caused damage to the property in the shop and also assaulted the salesman of the liquor shop and others present on the spot, causing injuries to them. Complainant Nirmal has lodged FIR and the case has been investigated and charge-sheet has been filed.
6. Considered.
7. All the applicants are of young age and local residents of District-Bilaspur. The trial of the case is likely to take some time, no purpose would be served if the applicants are kept in detention till the conclusion of trial, hence, it is a fit case for grant of regular bail.

8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that 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 concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge