

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7877 of 2017

- Lokesh Kuldeep S/o Jayvardhan Kuldeep, Aged About 20 Years R/o Fokat Para, Shastri Nagar, New Ganj, Mandi Road, Near Shiv Temple, Police Station Devendra Nagar, Raipur, District Raipur, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pandri Raipur, District Raipur, Chhattisgarh, Chhattisgarh

---- Respondent

MCRC No. 139 of 2018

- Vijaynath Soni @ Raja Soni @ Aakash Soni S/o Shri Bhaskar Soni, Aged About 22 Years R/o Chandrashekhar Nagar, Lodhi Para, P. S. Pandri, District Raipur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Pandri, Civil And Revenue District Raipur Chhattisgarh , Chhattisgarh

---- Respondent

MCRC No. 8118 of 2017

- Vinod Kumhar S/o Shri Durjay Kumhar, Aged About 27 Years R/o Shastri Market, New Gunj Mandi Road, Fafadih District Raipur Civil District Raipur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Pandri, Raipur Chhattisgarh Revenue, District Raipur Civil District Raipur Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants	:	Mr. C.R. Sahu, Mr. Kishore Narayan and Ms. Arpana Singh, Advocates.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/03/2018

1. Since all these bail applications arise out of the same crime number, they are being disposed of by this common order.
2. These applications filed under Section 439 of Code of Criminal Procedure, 1973 are the first bail applications of the applicants who have been arrested in connection with Crime No.225/2017 registered at Police Station- Pandri, Raipur District-Raipur(C.G.) for the offence punishable under Sections 307, 147, 148, 149, 323 of the Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Only allegation against them is that they were present on the spot at the time when the main accused assaulted injured victim Gourav Shende with knife. It is also submitted that name of Vijaynath Soni is not even mentioned in FIR and his name appears only in the memorandum statement of one of accused persons. Thus, it is clear that no case is made out against these applicants. Applicants are in jail since 8.8.2017. Hence, they may be released on regular bail.

4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. On the date of incident i.e. on 7.8.2017 at about 7.30 p.m., injured victim Gourav Shende was present on the spot of incident along with Roshan Nishad and Jatin Pawar. On seeing main accused Roshan Behra, Mohan Soni and others in drunken condition, the victim raised objection about their presence in the locality in drunken condition because of which main accused Roshan Behra caused knife injuries on the abdomen of injured victim. It is alleged that these applicants were also in the company of main accused persons at the time when the assault was made by them. Injured Gourav Nishad and Jatin Pawar also received injury which were simple in nature. Gourav Shende was required to be hospitalized. On 7.8.2017 he was admitted in the hospital from where he was discharged on 19.8.2017. Roshan Nishad lodged FIR based on which case has been registered against all the accused persons.
7. Considered the entire material present in the case diary. Though there is specific allegation against these applicants about their involvement in the commission of offence but no specific overt act has been alleged against these applicants. For these reasons, I am of the considered view that this is a fit case where all the applicants are entitled to be enlarged on regular bail.
8. Accordingly, the bail applications of both the applicants filed under Section 439 of Cr.P.C. are 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

Nisha