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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 94 of 2019**

Yogesh Gupta, S/o. Raju Gupta, Aged About 17 Years and 07 Months, (Minor) Through Legal Natural Guardian Father Raju Gupta, Son of Late Chandulal Gupta, Resident Of Gandhi Nagar, Ratanpur, Ward No. 2, Police Station Ratanpur, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Ratanpur, Civil and Revenue District Bilaspur Chhattisgarh.

---- Respondent**AND****M.CR.C.(A). No. 210 of 2019**

Umesh Sahu, S/o. Nandkishor Sahu @ Bahadur Sahu, Aged About 21 Years, R/o. Village Gandhi Nagar, Ratanpur, P.S. Ratanpur, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Ratanpur District Bilaspur Chhattisgarh.

---- Respondent

For Applicant (in M.Cr.C.(A) No. 94 of 2019)	: Mr. Nitansh Kumar Jaiswal, Advocate
For Applicant (in M.Cr.C.(A) No. 210 of 2019)	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.
For Objector	: Mr. Pramod Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/02/2019**

- Both the applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- Apprehending arrest in connection with Crime No.376/2018, registered at Police Station – Ratanpur, District – Bilaspur (C.G.) for

offence punishable under Section 147, 307 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.

3. It is submitted by the learned counsels for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present on record for commission of offence under Section 307 of the Indian Penal Code and it had been a case of causing simple hurt only according to the medial report of the injured persons. The applicant Yogesh Gupta is juvenile and both the applicants have not participated in assault that was made on the complainant/injured persons. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect. It is submitted that according to the evidence present in the case diary, these applicants were present along with co-accused persons and had furthered the common object of the unlawful association, therefore, they are not entitled for grant of anticipatory bail.
5. Counsel for the objector after adopting the argument advanced on behalf of the State submits that the applicants and the co-accused persons had revengeful attitude dragged the injured Golu to a rice mill and have brutally beaten him, which may have resulted in his death, therefore, the applicants may not be released on anticipatory bail.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

7. According to the FIR lodged on the date of incident, the applicants and the co-accused persons, who were 10-11 in numbers because of some enmity had taken the complainant Vikalp Dubey and Rupesh @ Golu to a rice mill and assaulted them with clubs and hockey sticks causing injuries to them.
8. Considered the submissions made and the contents of the case diary. After considering the nature of injuries caused to the complainant and the injured persons, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
9. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
10. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram