

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 479 of 2019**

1. Prahalad Dhruv, S/o Shri Heeralal Dhruv, aged about 23 years.
2. Bhuru @ Ashok Dhruv, S/o Shri Mangturam Dhruv, aged about 24 years.

Both are resident of Near Durga Mandir, Seema Nagar, Gali No.07, Post Office Raipur, Police Station Telibandha, District Raipur (CG). **---- Applicants**

Versus

State of Chhattisgarh Through Station House Officer, Police Station Telibandha, District Raipur (CG). **---- Non-applicant**

For Applicants : Mr. Shivendu Pandya, Advocate.
 For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.473/2018 registered at Police Station Telibandha, District Raipur for the offence punishable under Sections 294, 323, 327, 329/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 24.09.2018 at about 10:00 p.m., the complainants Jaikishan Panjwani and Vishal Hablani were talking with each other near Vihar Raipur, at that time, the applicants reached there and demanded money for consuming liquor and smoking cigarette. When they denied to give the money to them, then the applicants abused them and applicant No.2-Bhuru slapped the complainant Vishal Hablani. The applicant No.1-Prahalad Dhruv had beaten the complainant-Jaikishan Panjwani by brick. Both the applicants beat the complainant Vishal Hablani. Applicant No.2-Bhuru beat the complainant Vishal Hablani by wooden and club. The said complainant got injury on his jaw. The injury of the said complainant was found grievous in nature.
4. Counsel for the applicants submits that the applicants have not committed any offence. They are innocent and have been falsely implicated in

the present case, therefore, they may be released on bail.

5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicants in police case diary.

6. Looking to the above mentioned facts and circumstances of the case and 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 benefit of Section 439 of the Cr.P.C. to the applicants. Accordingly, the bail application is allowed.

7. It is directed that if the applicants furnish two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs.50,000/- each 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 and they shall not involve any such type of crime in future.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-