

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 146 of 2019

1. Ashok Pradhan S/o Shri Prasad Pradhan Aged About 28 Years R/o Village Tatkel, Tahsil and P.S. Lailunga, District- Raigarh, Chhattisgarh.
2. Nepal Pradhan S/o Fakirchand Pradhan Aged About 22 Years R/o Village Tatkel, Tahsil and P.S. Lailunga, District- Raigarh, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through District Magistrate, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

AND

MCRC No. 665 of 2019

- Suraj Pradhan @ Shailu Kolta S/o Shri Prasad Pradhan Aged About 28 Years R/o Village Tatkel, Tahsil and P. S. Lailunga, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate, Raigarh District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Ashutosh Mishra, Advocate.
For Respondent/State	:	Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/01/2019

1. Heard.
2. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.

3. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 133/2018, registered at Police Station – Lailunga, District- Raigarh, (C.G.) for the offence punishable under Section 307, 34 of the IPC.
4. As per the prosecution story, on 21.07.2018, accused/Applicant namely Suraj Pradhan (in MCRC No. 665/2019) while going on in a motorcycle, fell down near the house of one Nand Lal Patel. At the same time on Gulab Nayak came there and advised the Applicant Suraj Pradhan not to drive rashly. Allegedly, Suraj had quarrel with Gulab Nayak. Thereafter, Applicants namely Ashok Pradhan and Nepal Pradhan (in MCRC No. 146/2019) also reached there and assaulted Gulab Nayak with a wooden stick. Due to this Gulab Nayak sustained injuries on his head. Report has been lodged by Complainant Bharat Lal Nayak and on the basis of said, offence has been registered against the Applicants. They have been taken into custody on 11.11.2018.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. They further submit that on the basis of evidence collected, there is no any offence under Section 307 of IPC can be made out against the Applicants. Virtually, Gulab has supported the findings that Applicant Suraj Pradhan had beaten him. Report has also been lodged by Suraj Pradhan against Gulab. It is further submitted that there is only one injury caused to the Gulab. Charge-sheet has been filed. Applicants are in custody since 11.11.2018 and trial is likely to take some time. Therefore, they may be enlarged on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.

8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants are in custody since 11.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the Applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge