

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 425 of 2019**

- Manish Sahu, S/o Nandkishor Sahu @ Bahadur Sahu, Aged About 20 Years R/o Village Gandhi Nagar Ratanpur, Police Station Ratanpur, District – Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Ratanpur, District – Bilaspur, Chhattisgarh.

---- Respondent

AND**MCRC No. 719 of 2019**

- Naveen Gopal S/o Late Shri Sanjeev Gopal Aged About 18 Years R/o Thanapara, Ratanpur, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Ratanpur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant (in MCRC No. 425/2019)	: Shri Dharmesh Shrivastava, Advocate.
For Complainant/Objector (In MCRC No. 425/2019)	: Shri Pramod Shrivastava, Adv.
For Applicant (in MCRC No. 719/2019)	: Shri Rohitsava Singh, Advocate
For Respondent/State	: Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/02/2019

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The Applicants have preferred the first bail applications under Section

439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 376/2018, registered at Police Station – Ratanpur, District - Bilaspur, (C.G.) for the offence punishable under Sections 307, 147 of the Indian Penal Code.

3. As per the prosecution story, on 08.10.2018, Complainant Vikalp Dubey alongwith Golu @ Rupesh Sarthi went to ask for rent money from the tenant allegedly near Kishan Rice Mill co-accused Kailash Sharma stopped them and due to some previous dispute, he started beating Golu. It is further alleged that at that time present Applicants alongwith other co-accused persons namely Annu Jain, Aditya Yadav, Umesh Sahu, Sidharth, Shailendra, Pawan, Yogesh, & Vikash Dhiwar came there and all of them assaulted Golu with Hockey Stick and Club due to which Golu sustained injuries on his chest and head. Thereafter, the report was made by Vikalp Dubey. On the basis of the said report, offence has been registered against the Applicants. Applicants namely Manish Sahu and Naveen Gopal have been taken into custody on 05.11.2018 & 10.10.2018 respectively.
4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case due to some previous enmity. He further submits that the evidence collected by the prosecution, *prima facie* no offence under Section 307 of the IPC can be made out against the Applicants. He also submits that other co-accused persons namely Kailash Sharma & Arvind @ Annu Jain have already been granted bail by this Court vide order dated 16.01.2019 passed in MCRC No. 9986 of 2018. Applicants namely Manish Sahu and Naveen Gopal have been taken into custody on 05.11.2018 & 10.10.2018 respectively and trial will take some time to conclude. Charge-sheet has been filed. Therefore, the Applicants may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case

diary.

7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants have no criminal antecedent, Applicant in MCRC No. 425/2019 and Applicant in MCRC No. 719/2019 have been taken into custody on 05.11.2018 & 10.10.2018 respectively, co-accused persons namely Kailash Sharma & Arvind @ Annu Jain have already been granted bail by this Court vide order dated 16.01.2019 passed in MCRC No. 9986 of 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.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicants shall be released on bail on each of them executing a 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