

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1167 of 2019**

Dharmendra Singh S/o Surendra Sing Aged About 29 Years R/o Deepak Nagar, Police Station Pulgaon, Durg District Durg Chhattigarh, District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Its Police Station Pulgaon, Durg District Durg Chhattigarh, District : Durg, Chhattisgarh

---- Respondent

MCRC No. 1255 of 2019

Sumit Nayak S/o Leeladhar Nayak Aged About 22 Years R/o Sikola Basti Durg, District - Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Pulgaon, District - Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

ALONG WITH**MCRC No. 1332 of 2019**

1. Sudeep Shah S/o Bholanath Shah Aged About 23 Years , District : Durg, Chhattisgarh
2. Lokesh Yadav S/o Ramesh Yadav Aged About 19 Years R/o Deepak Nagar Durg, Tahsil And Disrict Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Its Police Station Pulgaon District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For the Applicants	:	Shri Ravi Maheshwari, Advocate (MCRC Nos. 1167/2019 and 1332/2019)
	:	Shri Jitendra Gupta, Advocate (MCRC No.1255/2019)
For the State	:	Ms. M. Asha and Shri Wasim Miyan, Panel Lawyers

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

12/03/2019

1. Above mentioned three bail applications arise out of a common Crime No. 177/2018 registered at Police Station Pulgaon, District Durg for the offence punishable under Sections 307, 147, 148, 149 & 323 of IPC, therefore, they are being heard analogously and decided by this common order.
2. First bail application of Dharmendra Singh in MCRC No. 1167/2019 and Sumit Nayak in MCRC No. 1255/2019 filed under Section 439 of CrPC. Second bail application of applicants Sudeep Shah and Lokesh Yadav in MCRC No. 1332/2019 filed under Section 439 of CrPC. First bail application of applicant Sudeep Shah and Lokesh Yadav was rejected by this Court on 25/10/2018 in MCRC No. 7403/2018 considering the *prima facie* case.
3. Case of the prosecution, in brief is that on 27/05/2018 at about 22.15 hours in front of Kewal Hotel at village Chikhli complainants Rakesh Shyam Kunwar, Virendra Patel and Asim Mishra were sitting. Applicants and co-accused Deepak Sahu and Devkumar caused blow by a sword to the complainant Rakesh Shyam Kunwar. Applicant Sumit Nayak poured petrol on his body. Co-accused Devkumar ignited match box. Applicants Sudeep Shah, Lokesh Yadav beat him by hands and fists. Applicants and co-accused also beat complainant Virendra Patel and Pandit Asim Mishra.
4. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case. He further submitted that in the case in hand all the complainants have been examined who did not support the prosecution case, thus they may be released on bail. therefore, they shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
6. As per the photocopy of the statement of complainant PW-1 Rakesh Shyam Kunwar dated 09/01/2019, PW-3 Virendra Patel dated 11/01/2019, PW-5 Pandit Asim Mishra which are part of the bail application they have turned hostile in trial Court. PW-1 Rakesh Shyam Kunwar had denied the suggestion that applicants and co-accused had beaten him, complainants Virendra Patel and Pandit Asim Mishra. He had stated that he is seeing first time applicants in the Court. PW-3 Virendra Patel had stated that he had not identified culprits due to darkness. He had denied the suggestion that applicants and co-accused had beaten him, complainants Rakesh Shyam Kunwar and Pandi Asim Mishra. PW-5 Pandit Asim Mishra says that applicants and co-accused had not beaten him. He had not identified the actual culprits.
7. Looking to the aforesaid facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if the applicants **Dharmendra Singh** and **Sumit Nayak** furnishes one solvent surety for a sum of Rs. 25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned 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 cooperate during the trial, they shall be released on bail.
8. Looking to the facts and circumstances of the case, becoming turning

hostile of complainants Rakesh Shyam Kunwar, Virendra Patel and Pandit Asim Mishra is itself a sufficient ground to enlarge the bail to applicants Sudeep Shah and Lokesh Yadav in second round of litigation, thus it is ordered that if the applicants **Sudeep Shah** and **Lokesh Yadav** furnishes one solvent surety for a sum of Rs. 25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned 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 cooperate during the trial, they shall be released on bail.

9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde