

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2733 of 2019**

1. Ramashray Pandey, S/o Late Babai Pandey, Aged About 62 Years R/o Near Kharmora Hanuman Mandir, Police Station Balkonagar, Tehsil And District Korba, Chhattisgarh.
2. Ajay Kumar Choubey S/o Late Chabinath Choubey, Aged About 42 Years R/o Near Santkabir Chowk, Kusmunda, Police Station Kusmunda, District Korba, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Kusmunda, District Korba, Chhattisgarh.

---- Respondent

For Applicants	: Shri U.K.S. Chandel, Advocate.
For Objector	: Shri Kishore Bhaduri, Advocate.
For Respondent/State	: Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/05/2019

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 116/2019, registered at Police Station – Kusmunda, District- Korba, (C.G.) for the offence punishable under Sections 307, 427, 294, 506, 323, 147, 148 of the Indian Penal Code.
2. In this case there are total 14 accused persons. As per the prosecution story, on 24.03.2019 at about 12.30 noon one of the accused namely Sonu Pandey and others blocked the Gate No. 3 & 5 of SECL, Kusmunda by parking their trucks in front of Gate. Thereafter, Complainant Abhishek Sharma came there and asked for

the reasons of blocking the road, allegedly, accused persons abused him. Thereafter, Abhishek Sharma went to Bhutta Square and called his friends. His friends came on their vehicles at Gate No. 3 & 5, allegedly, at that time present Applicants and other accused persons attacked Complainant and his friends with iron rod, stick and other weapons with intention to kill them and also damaged the Fortuner Vehicle of victim Amarjeet Singh. Somehow victims managed to escape from the place of incident. Thereafter matter was reported in the police station. Presents Applicants were taken into custody on 24.03.2019.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. It is further submitted that after blocking Gate No. 3 & 5, quarrel took place between both the parties. The Complainant party are the aggressor and as a result of quarrel, Saurabh Singh, Brijesh Pandey, Bhavesh @ Gappu and Mohit were received injuries. Accused persons also reported the matter in the police station but no action were taken against the complainant party. Applicants are in custody since 24.03.2019 and trial is likely to take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that there are sufficient evidence available on records against the Applicants which shows that there is involvement of present Applicants in the said crime.
5. Learned Counsel for the Objector opposes that bail application.

Reliance has been placed on the judgment passed by the Hon'ble Supreme Court reported in **(2018) 12 SCC 129, Anil Kumar Yadav V. State (NCT of Delhi)**. He submits that out of 14 accused persons, only 7 accused persons have been arrested and others are still absconding. At the time of incident, accused persons used sword, lathi, iron rod and other deadly weapons. Both present Applicants were present at the place of incident, they are main accused and head of their group. However, two victims namely Dhananjay Singh and Chanchal Thakur received grievous injuries on their head. Both of them were also admitted in the hospital for about 25 days. Looking to the grievous head injuries sustained by the victims, bail applications of the present Applicants should be rejected.

6. I have heard learned Counsel for the parties and perused the case diary minutely.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution, the arguments advanced by both the parties and further considering the fact that quarrel took place between both the parties and both parties have sustained injuries, present Applicants are in custody since 24.03.2019, some accused persons are still absconding 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