

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3286 of 2019

1. Yashwant Soni S/o Jodhan Lal Aged About 37 Years R/o Village- Sukali, Police Station- Lormi, District- Mungeli, Chhattisgarh.
2. Trilochan @ Guddu S/o Heera Lal Soni Aged About 26 Years R/o Village- Pahanda, Police Station- Kota, District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Takhatpur, District- Bilaspur, Civil And Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Nitansh Kumar Jaiswal, Advocate.
For Respondent/State : Mr. KK Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/06/2019

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. 14/2019, registered at Police Station Takhatpur, District Bilaspur (C.G.) for the offence punishable under Section 307, 120 (B)/34 of the IPC and Section 25 & 27 of the Arms Act.
2. In this case, there are total three accused persons. As per prosecution story, on 15.01.2019, complainant Jitendra Giri lodged a report against unknown person stating therein that on the said date at about 13:50 PM, some unknown persons took a shot on Anganwadi Sahayika namely Jogita Banjare on her back,

due to which she got injured. On the basis of said report, offence has been registered against unknown persons. During course of investigation, statements of witnesses have been recorded under Section 161 of Cr.P.C., it was found that due to some previous enmity, co-accused Urmila Bhaskar instructed the applicants to shoot fire to injured Jogita Banjare. On being instructed, the applicants fired the injured. On the basis of said background, offence has been registered. The applicants are in custody since 01.02.2019 & 02.02.2019.

3. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that there is no direct evidence available on record against the applicants. On the same facts, co-accused Urmila Bhaskar already granted benefit of bail by this Court vide order dated 25.04.2019 passed in MCRC No. 2317/2019. The applicants are in custody since 01.02.2019 & 02.02.2019, charge-sheet has already been filed 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.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that on the same facts, co-accused Urmila Bhaskar already granted benefit of bail by this Court, the applicant are in custody since 01.02.2019 & 02.02.2019, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge