

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3363 of 2019**

1. Sourabh Shukla, S/o Shri Sanjay Shukla, Aged About 22 Years.
2. Maneesh Awasthi, S/o Shri Durgasahay Awasthi, Aged About 26 Years.
3. Preetesh Awasthi, S/o Shri Pramod Bharat Awasthi, Aged About 24 Years.
4. Soumitra Shukla, S/o Shri Sanjay Shukla, Aged About 24 Years.

All R/o Village- Masturi, Police Station- Masturi, District- Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station- Masturi, District- Bilaspur (C.G.)

---- Respondent

For Applicants : Mr. Ashutosh Trivedi, Advocate.

For State : Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

07/06/2019

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 30.09.2018 in connection with Crime No. 448/2018 registered at Police Station- Masturi, District- Bilaspur (C.G.), for the offence punishable under Section 147, 148, 294, 323, 324, 506(B) & 307 of IPC, 1860.
2. As per case of the prosecution, on 29.09.2018, Soumitra Shukla and Rakhiram Gupta were quarreling with Monu Manikpuri and one Vinod Sarathi was hit by iron rod and he received head injury. As per version of the prosecution, the

injury was vital that is why the charge under Section 307 of IPC was leveled against the present applicants.

3. Learned counsel for the applicants submits that 10 persons have been involved in the crime in question and the present applicants have been involved on the basis of vague and omnibus allegations and there is no specific allegation against them, therefore, they may be enlarged on bail.
4. On the contrary, learned State counsel opposes the application for grant of bail.
5. Taking into consideration totality of the fact that only one injury was sustained by Vinod Sarthi is fatal in nature for which direct evidence is not satisfactory, without further commenting on merits of the case, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in sum of Rs. 20,000/- each with one local surety each in the like amount to the satisfaction of the concerned trial Court. They shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Vacation Judge