

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1110 of 2019

1. Mahesh Kumar Sahu, S/o Shri Kashi Ram Sahu, Aged About 21 Years, R/o Village Koyda Thana Kasdol, District-Balodabazar-Bhatapara, Chhattisgarh.
2. Shivam Kumar Kaiwartya, S/o Shri Shukh Sagar Kaiwartya, Aged About 22 Years, R/o Village Koyda Thana Kasdol, District-Balodabazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Police-Station-Pachpedi, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Deepak Jain, Advocate.

For Respondent : Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/07/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.05/2019 registered at Police Station-Pachpedi, District-Bilaspur(C.G.), for the offence punishable under Sections 294, 323, 506, 326/34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. Infact, the complainant party who had been on the spot of picnic engaged in quarrel with these applicants and free fight had taken place. These applicants have also not been named in the FIR, hence, it is prayed that the application of these applicants may

be allowed.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that one of the injured has suffered grievous injury by way of lost of eye sight, therefore, they are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, on the date of incident, these applicants and other co-accused had a quarrel with the complainant and others regarding some video shooting and photographing by use of mobile phone. It is alleged that these applicants under the leadership of co-accused Rajesh Ghasiya assaulted the complainant and the victim with clubs and sharp edged weapon causing injuries to them. According to medical examination, it has been reported that injured Avinash Kumar has lost eye sight in his left eye. Hence, this case.
6. For the reason that these applicants have not been named in the FIR and mainly the allegation against co-accused Rajesh Ghasiya, I am of this opinion that applicants deserve to be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when

required;

- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha