

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4452 of 2019

1. Shubham Dubey S/o Kamlesh Dubey Aged About 24 Years R/o Village Sarsiva, Mahamaya Chowk Police Station Sarsiva, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Sumit Dubey S/o Kamlesh Dubey Aged About 22 Years R/o Village Sarsiva, Mahamaya Chowk Police Station Sarsiva, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarsiva, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant : Shri Amiyakant Tiwari, Advocate.

For Non-applicant : Shri Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

07.08.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 208/2019 registered at Police Station – Sarsiva, District – Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 294, 323, 506/34 of the Indian Penal Code and Section 3(2)(V) of the SC/ST(Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that in the case in hand the victims are Govind Agrawal, Pitambar Banjare, residents of Sarsiva. Victim Pitambar Banjare is a member of Scheduled Caste community. Applicants are neither

member of the scheduled caste nor scheduled tribe. On 20.06.2019 applicants and their companions during quarrel with victim Govind Agrawal they had beaten him. The victim Pitambar Banjare intervened, applicants abused him on caste basis, gave threatening to kill him. His Rs. 23000/- cash fell down which was picked up by applicant Shubham Dubey. Applicant Sumit Dubey caused injury on his head. Applicant Shubham Dubey tried to cause injury to victim Pitambar Banjare by moving the car.

4. Learned counsel for the applicants submits that applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
6. The counsel for the applicants drew my attention on the affidavit of victims Pitambar Banjare and Govind Agrawal where it has been stated that they have no objection on grant of bail to the accused.
7. Looking to these facts and circumstances of the case, looking to the material available on record, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE