

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6654 of 2019**

1. Vishal Singh son of Manoj Singh, aged about 25 years.
2. Atul Singh son of Manoj Singh, aged about 22 years.

Both are resident of Godhanpur, Ambikapur, Police Station – Gandhinagar, Tahsil-Ambikapur, District Surguja (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Kotwali, Ambikapur, District Surguja (C.G.)

---- Respondent

For Applicants	:	Shri Jitendra Shrivastava, Adv.
For Respondent	:	Shri B.L. Sahu, P.L.
For Objector	:	Shri Sachin Nidhi, Adv.

Hon'ble Smt Justice Rajani Dubey**Order on Board****03/12/2019**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.543/2019, registered at Police Station – Kotwali, Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 294, 506, 323, 307, 34 IPC.
2. The allegation against the applicants is that when they were quarreling with one Ashish Jaiswal in the hotel of complainant, the elder brothers of complainant namely Madhav and Rajesh came there to pacify the dispute whom the applicants assaulted with shovel, stick and hands & fists, as a result of which Madhav became unconscious and fell down. Based on this, offence has been registered. The present applicants have been taken into custody on

19.09.2019.

3. Learned counsel for the applicant submits that the applicants are innocent and have been falsely implicated in the case. He further submits that, according to the doctor's report, the injuries sustained by the injured were simple in nature. He also submits that in-fact it is the applicants who sustained grievous injuries in the incident. He also submits that the applicants are in custody since 19.09.2019 and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. Learned counsel submits that the injured sustained head injury which was sufficient to cause death in ordinary course of nature.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicants are in custody since 19.09.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge