

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9676 of 2018

- Heera Singh S/o Chattar Singh Aged About 22 Years R/o Street No. 25, Shanti Nagar, Vaishali Nagar, Durg District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jamul, District Durg, Chhattisgarh

---- Respondent

AND

MCRC No. 9450 of 2018

1. Aman Singh S/o Chattar Singh Sikh Aged About 19 Years R/o Street No. 25 Shanti Nagar Vaishali Nagar, Durg, District Durg, Chhattisgarh
2. Santosh Singh @ Bittu S/o Gurunam Singh Aged About 19 Years R/o Dhancha Building, Bhilai Supela District Durg, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Jamul District Durg Chhattisgarh.

---- Respondent

For Applicant (in MCRC 9676/2018) : Mr. Awadh Tripathi, Advocate
For Applicants (in MCRC 9450/2018): Mr. Awadh Tripathi, Advocate
For Respondent/State : Mr. Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

11/01/2019

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.

2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 282/2018 registered at Police Station-Jamul, Distt. Durg (C.G.) for the offence punishable under Sections 294, 506, 323, 307/34 of the IPC.
3. As per prosecution story, on 24-06-2018, complainant Robin Bada went along with his friends to celebrate birthday party, when they reached near the petrol pump at about 10:30 PM, allegedly present applicants along with their friends namely Bobby, Aman and Bittu came there and without any reason abused the complainant and his friends and started beaten them, due to that they sustained injuries and one of complainant's friend Rohit Tirkey sustained grievous injuries. Thereafter, the matter was reported. On the basis of said report, offence has been registered. The applicant are in jail since 17.09.2018.
4. Counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the present case, due to some previous enmity. They further submit that on the basis of evidence collected by the prosecution *prima facie* no case under Section 307 of the IPC can be made out against the present applicants, the applicants are in custody since 17/09/2018, charge-sheet has already filed and trial will likely to take some time to conclude, therefore, the applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.

7. Considering the above facts and circumstances of the case, particularly considering the fact that the applicants are in custody since 17/09/2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge