

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9986 of 2018

1. Kailash Sharma S/o Ramu Sharma Aged About 20 Years R/o Gandhi Nagar Ward No. 02, Ratanpur, Police Station Ratanpur, District- Bilaspur, Chhattisgarh.
2. Arvind @ Annu Jain S/o Late Shri Rajendra Jain Aged About 29 Years R/o Ratanpur Ward No. 04, Bhagat Singh Ward, Police Station Ratanpur, District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District- Bilaspur, Chhattisgarh.

---- Respondent

AND

MCRC No. 9978 of 2018

- Pawan Soni S/o Ajay Soni Aged About 27 Years R/o Gandhi Nagar Ward No.02, Ratanpur, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants (in MCRC 9986/2018): Mr. UKS Chandel, Advocate
For Applicant (in MCRC 9978/2018) : Mr. UKS Chandel, Advocate
For Respondent/State : Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

16/01/2019

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. 376/2018 registered at Police Station-Ratanpur, Distt. Bilaspur (C.G.) for the offence punishable under Sections 147 & 307 of the IPC.
3. As per prosecution story, on 08-10-2018, when complainant Vikalp Dubey along with Golu @ Rupesh Sarthi went to ask for rent money from the tenant allegedly near Kishan Rice Mill co-accused Kailash Sharma stopped them and due to some previous dispute, he started beating Golu allegedly present applicants along with other co-accused persons came there and all of them assaulted Golu through Hockey Stick and Club due to which Golu sustained injuries on his chest and head. Thereafter, the report was made by Vikalp Dubey. On the basis of said report, offence has been registered. Applicant Kailash Sharma and Pawan Soni are in jail since 16.11.2018 and Applicant Arvind @ Annu Jain is in jail since 27.10.2018.
4. Learned Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some previous enmity. He further submits 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, Applicant Kailash Sharma and Pawan Soni are in jail since 16.11.2018 and Applicant Arvind @ Annu Jain is in jail since 27.10.2018 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 27.10.2018 & 16/11/2018 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