

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4747 of 2020

- Dilip Verma, S/o Nand Kumar Verma, Aged About 29 Years R/o Panchwati Nagar, Kampa, Mova, Police Station Mova, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Palari, District : Baloda Bazar, Bhatapara, Chhattisgarh

And

MCRC No. 5888 of 2020

- Ram Kumar Sharma, S/o. Derharam Sharma, Aged About 46 Years R/o. Pandri Tarai No. 23, Mahatma Gandhi Ward, Behind District Hospital Pandri, PS Pandri District Raipur Chhattisgarh.
- Sanjay Aadwani @ Sanju, S/o. Govind Aadwani, Aged about 38 years, R/o. Ward No.11, Gandhi Nagar, Guru Govind Ward, Civil Lines, PS Civil Lines, Raipur, District Raipur CG

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Pallari, District : Baloda Bazar-bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate in MCRC No.4747/2020.
For Applicants	:	Shri Pragalbha Sharma, Advocate in MCRC No.5888/2020
For Respondent/State	:	Ms. Sunita Jain, GA

Hon'ble Smt. Justice Rajani Dubey

Order on Board

03.09.2020

As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.

The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.121/2020 registered at Police Station - Palari District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 147,148,307 and 302/34 IPC and 25 and 27 of the Arms Act.

It is the case of the prosecution that when the complainant along with the deceased had gone to the liquor shop at Palari to purchase liquor, some altercation took place between the deceased and the applicants on account of which, two of the accused gave knife blows on the deceased as a result of which he died.

Counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. It is submitted that the present applicants have only assaulted with hands and fists and the main allegation is against one Lokesh and Neeraj who have assaulted with knife. It is further submitted that in the test identification parade also, they have not been identified. Lastly, they submit that the applicants are in custody since 14.03.2020 and the trial is likely to take some time for its final disposal, they may be released on bail.

On the other hand, counsel for the State opposes the bail application.

Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicants and the detention period of the applicants, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

Accordingly, the applications filed under Section 439 Cr.P.C.

are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

suguna