

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4611 of 2020**

- Pawan Soni @ Monu, S/o Suresh Soni, Aged About 24 Years, R/o Ganesh (wrongly mentioned as Ganeshi in the order sheet) Nagar (Chuchuhiyapara), Police Station - Sirgitti, District- Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station - Torwa, District- Bilaspur, Chhattisgarh.

---- Respondent**with****MCRC No. 5851 of 2020**

- Sheikh Ajmal Gani, S/o Sheikh Jamal Ahmad, Aged About 20 Years, R/o Jinat Vihar Phase- 1, (Chuchuhiyapara), Police Station - Sirgitti, District- Bilaspur Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Torwa, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	: Ms. Sunita Jain, G.A.
For Objector	: Mr. Sumit Shrivastava, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.09.2020**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 208/2020

registered at Police Station- Torwa, District- Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 294, 307 of IPC.

3. The prosecution story, in brief is that, the present applicants entered the house of the complainant and tried to steal the goats and they assaulted the brother of the complainant by baseball bat, wooden plank and club due to which he sustained various injuries. Thereafter, offence has been registered against the present applicants.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicants are in jail since 02.07.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicants is of serious in nature, therefore, no case is made out for grant of bail.
6. Learned counsel for the objector opposes the bail application by submitting that the present applicants assaulted the brother of the complainant badly due to which he may be killed, therefore, applicants may not be granted bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicants are in jail since 28.06.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the concerned Court for their appearance before the said Court as and when directed, the applicants shall be released on bail, subject to following conditions:-
 - That, the applicants shall furnish a specific undertaking that while

on bail, they will not commit any criminal offence otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.

- That, the accused/ applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/ applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi