

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5222 of 2020**

1. Deepak Behra, S/o Prem Sagar Behra, Aged about 22 years,
2. Sudhir Behra, S/o Minketan Behra, Aged about 27 years,

Both applicants are R/o Village Raikera, PS & Tahsil Ghardhoda, District Raigarh, Civil & Revenue District Raigarh (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through– Officer-in-charge, PS-Gharghoda, District Raigarh (C.G.)

---- Respondent

MCRC No. 6116 of 2020

1. Dilip Singh Rathiya, S/o Late Dubraj Singh Rathiya, Aged about 23 years,
2. Sanjeev Rathiya, S/o Ram Kumar Rathiya, Aged about 18 years,

Both applicants are R/o Village Raikera, PS & Tahsil Ghardhoda, District Raigarh, Civil & Revenue District Raigarh (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through– Officer-in-charge, PS-Gharghoda, District Raigarh (C.G.)

---- Respondent

For Applicants : Mr. Ashutosh Mishra, Advocate.
For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

22/09/2020

1. The accused/applicants have moved this first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 190/2020 registered at Police Station- Gharghoda, District- Raigarh (C.G.) for the offence punishable under Sections

147, 148, 149, 294, 332, 333, 353, 307 of the Indian Penal Code, 1860.

2. The prosecution story in brief is that on 29.07.2020 at about 04:30 pm, the present applicants along with other co-accused persons were drunk and had a fight with the guard of NTPC namely Dashrath Kujur. It has been further alleged that during the altercation between them, the main accused Subhash Khadiya inflicted injuries to one Pratap Khalkho by blowing knife. On such information was received by the PS- Gharghoda and investigation was initiated and registered offences under Sections 147, 148, 149, 294, 332, 333, 353, 307 of the IPC, 1860.
3. 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 main allegation against co-accused person namely Subhash Khadiya and there is no evidence that the present applicants had participated in the said offence. He next submits that the applicants are in jail since 29.07.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicants is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering that the applicants are in jail since 29.07.2020, 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 present applicants on bail. Accordingly, the bail applications are allowed.
7. Accused/applicants are directed to be released on bail on their

executing a personal bond in the sum of Rs. 25,000/- each with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

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

Vasant