

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7001 of 2020**

1. Sonu Rao @ T.Abhimaan Rao aged about 22 years
2. Monu Rao @ T.Sachin Rao, aged about 19 years

Both S/o T.Anand Rao, Both R/o Shulabh Sauchalaye ke Saamne,
Jalvihar Colony, Police Station Telibandha, Raipur District Raipur
(Revenue and Civil)-Raipur C.G.

-----Applicants**Versus**

- State of Chhattisgarh through Police Station- Telibandha, District Raipur, (C.G.)

---- Non-applicant

For Applicants	:	Mr. Sumit Jhawar, Advocate
For Non-applicant	:	Mr. Siddharth Dubey, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****10/12/2020**

1. Applicants have preferred this application under Section 439 Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.292/2020 registered at Police Station Telibandha, Revenue and Civil District Raipur (C.G.) for the offence punishable under Sections 294, 324, 506B, 326/34 of IPC.
2. Case of the prosecution is that on 03.09.2020 at about 08:30 PM, applicant no. 1 was riding the motor cycle with an excessive speed to which the complainant had objected, upon which dispute took place

between Sonu Rao and complainant. Later on, Monu Rao (applicant 2) also came there and started assaulting the complainant. At the time of incident Sonu Rao given teeth bite over lower lip of complainant due to which he suffered bleeding over his lip and the nail injury was suffered by Ayub Khan who is said to be a person who tried to intervene the incident.

3. Mr. Sumit Jhavar, learned counsel for the applicants submits that on account of riding motor cycle by applicant no. 1, the complainant himself started quarrelling and also assaulted Sonu Rao by a stick. F.I.R. was lodged against the complainant also in the same police station bearing crime no. 293/2020 for offence punishable under Sections 323, 294, 506B of IPC. He submits that it is the complainant and his friend themselves who were aggressor and due to which the incident took place. Applicants are young boys of tender age, they are not having the criminal past except one as mentioned in the application.
4. On the other hand, Mr. Siddharth Dubey, learned counsel for the Non-applicant opposes the submissions made by the learned counsel for the applicants submits that complainant suffered lacerated wound injury over his lower lip with tissue loss, injury suffered is serious in nature. One case is registered against applicant no. 1 under Section 107, 116 and 151 of CrPC, hence, they are not entitled for any benefit under Section 439 of CrPC.
5. I have heard learned counsel for the respective parties.

6. Taking into consideration the nature of allegations, manner in which the incident took place and further considering the submission made by learned counsel for the applicants that counter F.I.R. was also registered against the complainant bearing crime no. 293/2020, tender age of the applicants and pre-trial detention, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicants be released on regular bail, on each of them upon furnishing a bail bond in the sum of Rs.10,000/- each one with one surety in the like sum to the satisfaction of the Court on the conditions that-
- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge