

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6959 of 2020**

- Gopi Chindode, S/o Amru Chindode, aged about 19 years, R/o Village Satnam Para, Thana, Purani Basti, Balodabazar Thana City Kotwali, Balodabazar District Balodabazar Bhatapara (CG)

**---- Applicant
(In Jail)****Versus**

- State of Chhattisgarh through the Station House Officer, Balodabazar District Baloda Bazar Bhatapara (CG)

---- Respondent**AND****MCRC No. 8133 of 2020**

- Lochan, S/o Shri Manglu Ghritlehre, aged about 18 years, R/o Sakin Purani Basti Balodabazar, Thana- City Kotwali, District- Balodabazar- Bhatapara (CG)

**---- Applicant
(In Jail)****Versus**

- State of Chhattisgarh, through the Station House Officer, Police Station City Kotwali, District- Balodabazar- Bhatapara (CG)

---- Respondent**M.Cr.C. No.6959/2020**

For Applicant : Mr. Neelkanth Malviya, Advocate
 For Respondent : Mr. Siddharth Dubey, Dy. Govt. Advocate

M.Cr.C. No.8133/2020

For Applicant : Mrs. Supriya Upasane, Advocate
 For Respondent : Mr. Siddharth Dubey, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****14.12.2020**

- As the above bail applications under Section 439 of the Code of Criminal Procedure, 1973 arise out of the same crime number, they are being disposed off by this common order.
- M.Cr.C. No.6959/2020 has been preferred by applicant Gopi Chindode for grant of regular bail to him as he is in custody since 21.7.2020 in connection with Crime No.467/2020 registered at Police Station City Kotwali, Balodabazar (CG) for commission of the offence punishable under Section 307 r/w 34 of the Indian Penal Code.
- M.Cr.C. No.8133/2020 has been preferred by applicant Lochan for grant of

regular bail to him as he is in custody since 01.10.2020 in connection with Crime No.467/2020 registered at Police Station City Kotwali, Balodabazar (CG) for commission of the offence punishable under Sections 147, 148, 149, 307/34 of the Indian Penal Code.

4. Case of the prosecution, in brief, is that on 20.7.2020 at about 10.00 p.m. applicants herein along with co-accused Harishankar @ Sindhi came to Devarha Pond where Yogesh Shrey & Ankit Fekar were sitting, after exchange of words, started assaulting them with hands, fists & knife. In that assault, Yogesh & Ankit both received stab injuries.
5. Mr. N.K. Malviya, learned appearing on behalf of applicant Gopi Cindode, submits that the applicant has not committed any offence as alleged against him. He is young boy aged about 19 years, not having any criminal past. Co-accused Harishankar @ Sindhi, allegations against whom are similar to that of present applicant, has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 9.11.2020 passed in M.Cr.C. No.7180/2020. Hence prayed that applicant may also be enlarged on bail.
6. Mrs. Supriya Upasane, learned counsel representing applicant Lochan submits that name of this applicant was not mentioned in FIR and he has been arrested subsequently. She further submits that applicant has not committed the offence as alleged against him. Nothing incriminating has been seized from the possession of this applicant. Co-accused Harishankar already stand enlarged on bail, as such, the applicant, who is behind bars from 01.10.2020, be also enlarged on bail.
7. On the other hand, Mr. Dubey, learned Deputy Government Advocate for the State opposes the prayer for grant of bail and submits that as per material available in the case diary, weapon of offence i.e. knife, has been seized from the possession of applicant Gopi; injured Yogesh & Ankit both have suffered four stab wounds each and as per opinion of the doctor, injuries were grievous in nature and had proper treatment been not given to them, they would have

died due to the injuries.

8. I have heard learned counsel for the parties.
9. Considering the facts and circumstances of case, nature of allegation, tender age of applicants i.e. 19 & 18 years respectively, they have no criminal past and the fact that co-accused Harishankar has already been enlarged on bail by a co-ordinate Bench of this Court, without commenting upon the merits of case, I am inclined to enlarge the applicants on regular bail. Accordingly, both the bail applications are allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) they shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) they shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-