

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7895 of 2019**

- Bhanupratap Nishad S/o Shri Devnarayan Nishad Aged About 20 Years Resident Of Village Post Banrasi, P.S. Arang , District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Arang , District Raipur Chhattisgarh...

---- Respondent**MCRC No. 8038 of 2019**

1. Chandrashekhar Sahu S/o Mourdhwaj Sahu, Aged About 21 Years R/o Village Banrasi, Police Station Arang, District Raipur Chhattisgarh,
2. Dageshwar Sahu, S/o Krishna Kumar Sahu, Aged About 27 Years R/o Village Banrasi, Police Station Arang, District Raipur Chhattisgarh,

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Arang, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Shri C.R. Sahu, Advocate in MCRC No.7895/2019 and Shri Jitendra Shukla, Advocate in MCRC No.8038/2019
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/01/2020**

1. Since the aforesaid bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime

No.714/2019, registered at Police Station - Arang, Raipur, District Raipur (C.G.) for the offence punishable under Sections 294, 307, 323, 34 IPC in MCRC No.7895/2019 and under Sections 294, 323, 307, 506/34 of IPC in MCRC No.8038/2019.

3. The allegation against the present applicants is that when complainant Yogeshwar Sahu was watching the persons playing cards, at the relevant time, the applicants came there, some disputed cropped up between them, the complainant was assaulted by the applicants with hands and fists as a result of which complainant sustained grievous injuries on his body. Based on this, offence has been registered. The applicant in MCRC No.7895/2019 has been taken into custody on 31.10.2019 and applicants in MCRC No.8038/2019 have been taken into custody on 30.10.2019.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. They further submit that it is the complainant who first hurled abuses leading to the incident. They further submit that the applicants are in custody since 30.10.2019 and 31.10.2019, charge sheet has been filed, there is no likelihood of their case being decided in near future, they are ready to furnish adequate security and shall abide by the directions and conditions which may be imposed upon them by the Court. Therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail applications. Learned State counsel submits that complainant sustained grievous injuries on his body.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicants are in custody since 31.10.2019 and 30.10.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- - Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde