

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7933 of 2019**

- Pappu Chouhan S/o Shri Data Ram Chouhan Aged About 35 Years R/o. Kayaghat, Raigarh, Tahsil And District- Raigarh, Chhattigarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : S.H.O. Of The Out Post Jutemil, Police Station- City Kotwali, Raigarh, Chhattisgarh.

---- Respondent**MCRC No. 489 of 2020**

- Rakesh Sahu S/o Devanand Sahu Aged About 21 Years R/o Kayaghat, Near Mukti Dham, Raigarh, O.P.- Jutmil, Raigarh, P.S.- City Kotwali, District- Raigarh, Chhattisgarh.

----Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station- O.P.- Jutmil, Raigarh, P.S.- City Kotwali, District- Raigarh, Chhattisgarh.

---- Respondent**MCRC No. 8489 of 2019**

- Suresh Verma S/o Maturam Verma, Aged About 25 Years R/o Jutmil, Kayaghat, Raigarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Adim Jati Kalyan (AjK), Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Abhishek Saraf, Adv. in MCRC Nos. 7933/2019. Mr. Ashish Gupta, Adv. in MCRC No. 489/2020 & 8489/2019.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey

Order on Board**10/02/2020**

1. As all three MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 947/2019 registered at Police Station Out Post-Jutmil, P.S. City Kotwali, Raigarh, District-Raigarh (C.G.) against applicant Pappu Chouhan for the offence punishable under Sections 294, 307/34 of the IPC and 3(1) (द)(घ), 2(2)(v-क) of SC & ST (Prevention of Atrocities) Act and against applicant Rakesh Sahu for the offence punishable under Sections 294, 307, 147, 148, 149 of the IPC, 25 of Arms Act and 3(1) (द)(घ), 3(2)(v-क) of SC & ST (Prevention of Atrocities) Act and registered at Police Station Adim Jati Kalyan (AJK), Raigarh, District Raigarh (C.G.) against applicant Suresh Verma for the offence punishable under Sections 294, 307/34 of the IPC and 3(1) (द)(घ), 3(2)(v-क) of SC & ST (Prevention of Atrocities) Act.
3. The prosecution story, in brief is that, complainant lodged a report that on 29.10.2019 at about 7:00 pm., due to rash and negligent manner driving of motorcycle prior by the victim the present applicants abused him and co-accused Bondal assaulted with coconut cutter, due to which, he sustained grievous injuries on his hand, head and neck and the other co-accused Pappu Chouhan assaulted him with stick. Based on this offence has been registered against the present applicant and other co-accused person.
4. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the crime in question. They further submit that the main allegation is against the other co-accused person. They also submit that the applicant Pappu Chouhan is in jail since

30.10.2019, applicant Rakesh Sahu is in jail since 14.12.2019, and applicant Suresh Verma is in jail since 15.11.2019 and, 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.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the main allegation is against the other co-accused person. The applicant Pappu Chouhan is in jail since 30.10.2019, applicant Rakesh Sahu is in jail since 14.12.2019, and applicant Suresh Verma is in jail since 15.11.2019, 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 applications are allowed.
8. 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.

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