

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 872 of 2021**

- Anil Kshatriya S/o Ramesh aged about 25 years.
- Mantosh Kshatriya S/o Ishwar Kshatriya, aged about 21 years

Both are resident of Balmiki Nagar, 9 Veernagar, P.S. Raipur, District Raipur, Chhattisgarh.

-----Applicants

VERSUS

- State of Chhattisgarh through: Station House Officer, Police Station Kabirnagar, Raipur, District Raipur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. S.P. Sahu, Advocate
For Non-applicant	: Mr. Sudeep Agrawal, Deputy Adv. General

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****18/06/2021**

1. Applicants have preferred this **First Bail Application** under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No.205/2020 registered at Police Station Kabirnagar, Raipur District Raipur (C.G.) for the offence punishable under Sections 294, 323, 506, 307/34 of IPC and Sections 25, 27 of Arms Act.
2. Case of the prosecution is that on 15.11.2020, at about 08:00 pm, injured Rahul Raksel was standing near Om Kirana Store, at that relevant time, one auto-rickshaw came there to which Rahul Raksel asked as to why he came here. On this, Ashu Kshatriya, standing nearby, started abusing and assaulted him with knife, thereafter the present applicants came there and they also assaulted Rahul Raksel. In the said incident, Rahul Raksel suffered injury over his neck. Incident

was reported by the mother of Rahul Raksel, based on which, aforementioned crime was registered against the present applicants along with Ashu Kshatriya.

3. Mr. Dharmesh Shrivastava, learned counsel for the applicants submits that the present applicants have been falsely implicated in the case. They reached on the spot after the incident took place between Rahul Raksel and Ashu Kshatriya. He further submits that the injuries suffered by the victim are simple in nature ie. abrasion injuries only, hence, the offence under Section 307 of IPC would not be made out. He further submits that the applicants are in jail since 16.11.2020, hence, they may be enlarged on bail as the trial may take some time.
4. Mr. Sudeep Agrawal, learned counsel representing the State, while opposing the submissions made by learned counsel for the applicant submits that there are specific allegations of assault levelled by Rahul Raksel against all the three persons. During the course of arguments, he admitted the submission of learned counsel for applicants that the injuries have been mentioned by the doctor to be simple in nature. The applicant no. 1 is having two criminal antecedents, one under Sections 294, 323 and 506 of IPC of the year 2016 and another under Section 25 of Arms Act of the year 2019. He submits that the applicants are not entitled for grant of bail.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegations levelled against the present applicants, nature of injuries mentioned in the MLC report suffered by the injured Rahul Raksel, further considering the pre-detention trial of the present applicants since 16.11.2020, without commenting anything on merits, I am inclined to enlarge the applicant

on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each 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

Pawan