

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2507 of 2021

1. Birendra Kumar Pardhi @ Veera, S/o. Late Jagdish Pardhi, Aged About 20 Years, R/o. Bairagi Mohallah, Power House, Bhilai, Tehsil And District - Durg, Chhattisgarh.
2. Sonu Sinha @ Mochi, S/o. Bhushan Sinha, Aged About 18 Years, R/o. Bairagi Mohallah, Power House, Bhilai, Tehsil And District Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through - District Magistrate, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pawan Kesharwani, Advocate

For Respondent : Mr. Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

22.07.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.332/2020 registered at Police Station- Chhawani, District Durg, for the offence punishable under Sections 147, 148, 149, 307, 120-B and 34 of the Indian Penal Code.
2. As per the prosecution case, on 25.06.2020 the applicants along with others went to the house of Ishwar Yadav and thereafter assaulted him by way of Knife.
3. Learned counsel for the applicants would submit that one of the accused has been enlarged on bail by the coordinate Bench of this Court and the applicants are in jail since 26.06.2020, therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and read out the statement of Ishwar Yadav. The main allegation of assault of Knife is against the present applicants Birendra Kumar Pardhi & Sonu Sinha and before the coordinate Bench also only one of the accused Jawed Khan has been enlarged on bail.
5. Taking into the nature of involvement in the incident and considering the fact that the main allegation of assault is on the present applicants and it is also stated that against Birendra two other criminal cases are to his credit, I am not inclined to release the applicants on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge