

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.584 of 2021

Amar Dhruv @ Raja S/o Kunjram Dhruv, Aged About 23 Years, R/o- Banjari Nagar, Rawabhata, Raipur, Tahsil and District - Raipur (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Vidhansabha, Raipur, District -Raipur, (CG).

---- Respondent

MCRC No. 1232 of 2021

1. Devlal Sahu @ Golu Sahu S/o Shri Lalla Sahu, Aged About 26 Years, (Name Wrongly Mentioned In The Order Sheet), R/o -Durga Chowk, Rava Bhata, P.S.- Khamtarie, Raipur, District- (Revenue and Civil) Raipur, Chhattisgarh.
2. Sanjay Nishad @ Sonu S/o Rajaram, Aged About 24 Years, R/o- Urkura, Behind Banjari Mandir, P.S.- Khamtarie, Raipur, District (Revenue and Civil)- Raipur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Vidhansabha, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

MCRC No. 1927 of 2021

1. Raushan Yadav S/o Shri Shankar Yadav, Aged About 20 Years Resident of Bajrang Chowk, Banjari Nagar, Rawabhantha, Raipur, Tahsil and District -Raipur Chhattisgarh.
2. Uttam Kumar Patel S/o Late Bhokalu Patel, Aged About 24 Years, Resident of Village Nimora, Police Station -Dharsiwa, District -Raipur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Vidhan Sabha, District -Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. C.R. Sahu & Shri Yogesh Pandey, Advocates.
For Respondent-state	: Mr. D.C. Verma, Dy. GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

11/06/2021

1. Shri Yogesh Pandey, learned counsel for the applicant seeks permission of this Court to withdraw bail application of Devlal Sahu @ Golu Sahu S/o Shri Lalla Sahu, applicant in **MCRC No.1232 of 2021**, at this stage.
2. As prayed, application of Devlal Sahu @ Golu Sahu stands dismissed as

withdrawn.

3. As the above bail applications arise out of same crime number, they are being heard and decided together by this common order.
4. Applicants Uttam Kumar Patel, Sanjay Nishad @ Sonu, Amar Dhruv @ Raja and Raushan Yadav have preferred these applications under Section 439 of Cr.P.C for grant of regular bail as they have been arrested in connection with Crime No.305/2020, registered at Police Station – Vidhansabha, Raipur, District -Raipur, (C.G), for the offence under Sections 294, 323, 427, 452, 506, 307, 460, 147, 148 & 149 of the Indian Penal Code, 1860.
5. Case of the prosecution, in-brief, is that on 14.11.2020 in night, Devlal Sahu @ Golu Sahu along-with his friends went to the house of complainant with Knife, Iron rod, wooden bat and by using filthy words started damaging motorcycle and auto rickshaw parked in front of house of complainant. On account of which, Shiv Kumar Peshwani @ Shiv Kukreja, father of complainant, came out of the house and tried to intervene. Applicants assaulted him by means of Iron rod due to which, he suffered injuries on his hands, back, thigh & legs. When complainant and her mother came to intervene, they were also assaulted. Incident was reported to concerned police station based upon which aforementioned crime was registered against these applicants.
6. Shri C.R. Sahu & Shri Yogesh Pandey, learned counsel for the applicants submits that as many as 18 injuries have been mentioned in MLC report, but as per the report doctor has opined that all the injuries to be simple in nature. Shiv Kumar Peshwani @ Shiv Kukreja, father of complainant, who is stated to suffer grievous injuries has not suffered any injury on vital part of the body. In view of the materials available in the charge-

sheet, offence under Sections 307 & 452 of IPC against the applicants would not be made out. Applicants are in jail from 14.11.2020, 18.11.2020 & 16.11.2020 respectively. Hence, they may be released on bail.

7. On the other hand, learned State Counsel opposes the submissions made by learned counsel for the applicants and submits that there is specific allegation against these applicants that they went to the house of complainant damaged motorcycle and auto rickshaw and also assaulted her father, along-with Devlal Sahu @ Golu Sahu. He further submits that father of complainant has suffered as many as 18 injuries over his person which are grievous in nature. Hence, they are not entitled for benefit under Section 439 of Cr.P.C.
8. On a specific query put to learned State Counsel, he replied that as per case diary, one crime under Section 457 of IPC was registered against Raushan Yadav. There is no criminal antecedent against applicant namely Uttam Kumar Patel, Sanjay Nishad @ Sonu & Amar Dhruv @ Raja.
9. Heard learned counsel for both the parties.
10. Taking into consideration the facts and circumstances of the case, nature of allegation levelled against these applicants, all the injuries stated to be simple in nature, period of detention and further considering the fact that there is no criminal antecedent against applicant Uttam Kumar Patel, Sanjay Nishad @ Sonu, Amar Dhruv @ Raja and only one crime is registered against Raushan Yadav, without commenting anything on the merits of the case, I am inclined to allow bail applications of applicants namely Uttam Kumar Patel, Sanjay Nishad @ Sonu, Amar Dhruv @ Raja and Raushan Yadav.

11. Accordingly, bail applications of aforementioned applicants are allowed. It is directed that applicants **Uttam Kumar Patel S/o Late Bhokalu Patel, Sanjay Nishad @ Sonu S/o Rajaram, Amar Dhruv @ Raja S/o Kunjram Dhruv & Raushan Yadav S/o Shri Shankar Yadav** shall be released on regular bail on their furnishing a bail bond in the sum of **Rs.25,000/-** each one with 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) They shall not, in any manner, tamper with the prosecution witnesses.
- c) If they 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

Jamal/-