

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2612 of 2021**

Deepak Yadav S/o. Dauram Yadav Aged About 22 Years R/o. Behind Dev Nagar Bombay Awas House No. 25 Koni, Police Station Koni, Tahsil and District Bilaspur (Chhattisgarh). --- **Applicant**

**Versus**

State of Chhattisgarh through the Police Station Civil Line, District Bilaspur Chhattisgarh. --- **Respondent**

**MCRC No. 2314 of 2021**

Ravi Bhoshle S/o Nikhel Bhoshle Aged About 20 Years R/o Atal Awas House No. 24, Behind Old High Court Tikrapara Tahsil And District Bilaspur Chhattisgarh. --- **Applicant**

**Versus**

State of Chhattisgarh through The Police Station Civil Line, District Bilaspur, Chhattisgarh. ---- **Respondent**

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| For the applicants : | Mr. Pravin Kumar Tulsyan, Advocate. |
| For the Respondent : | Mr. Ashish Tiwari, Govt. Advocate.  |

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**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****16.07.2021**

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in Crime No. 940/2020 of Police Station Civil Line, Distt. Bilaspur (C.G) for the offences punishable under Sections 458, 394, 34 of IPC.
2. As per the prosecution case, both the applicants entered into the house of one Vinod Adwani and when he went out side the house, the applicants attacked his mother Parvati Devi, tied her hands and neck with wire and thereafter looted Rs.1 lakh and different gold ornaments. The place of incident was green Park Colony.
3. Learned counsel for the applicant submits that the injuries of Parvati

Devi, mother of complainant, were simple in nature and though she had stated in her statement that only because of the removal of mask from one person, she could identify but in identification parade both were shown to be identified, therefore, false evidence has been created by the Police. He further submits that the offences are triable by the JMFC; applicants are in jail since 27.12.2020; charge sheet has been filed and no further investigation is necessary, therefore, they may be released on bail.

4. Per contra, learned State Counsel opposes the bail and submits that initially the injuries appeared to be simple in nature but subsequently the mother aged about 60 years was further admitted in hospital where the lacerated wound was found in the head and by chance she was almost survived from the consequences of assault and both the applicants have been identified and the looted gold ornaments of 248 grams and 268 grams have also been recovered from the applicants.
5. Having considered submissions of learned counsel for the parties and considering the way the the applicants entered into the residential area to commit the offence, assaulted the aged woman and by chance, she is luckily survived from the consequences of assault and further considering the fact that both the applicants have been identified and the recovery of ornaments has also been made, I am not inclined to allow this bail application, at this stage. Accordingly, this bail application is rejected.

**Sd/-  
GOUTAM BHADURI  
JUDGE**