

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4134 of 2021

- Akash Mahant S/o Shri Anup Das Aged About 21 Years R/o Near Shiv Mandir , Parsabhata, Balco Nagar, Police Station Balconagar, District Korba Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Balconagar, District Korba Chhattisgarh

---- Respondent

MCRC No. 4168 of 2021

- Sanjay Vaishnav S/o Late Ghasidasdas Vaishnav Aged About 21 Years R/o Shiv Mandir Ke Paas Parsabhatha Balko Nagar, District Korba Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Balko Nagar, District Korba Chhattisgarh

---- Respondent

MCRC No. 4361 of 2021

- Dwarika Chouhan @ Kancha S/o Suman Chauhan Aged About 21 Years R/o Shiv Mandir Parsabhatha Balko Nagar, Tahsil And District Korba Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Balko Nagar District Korba Chhattisgarh

---- Respondent

MCRC No. 4365 of 2021

1. Tarun Chouhan S/o Late Shri Malik Ram Chouhan Aged About 25 Years R/o Old Navadha Chowk, Parsabhata, Balco-Nagar, P.S.- Balconagar, District - Korba (Chhattisgarh)
2. Yasin Ansari @ Bobby Khan S/o Aslam Ansari Aged About 20 Years R/o Shiv Mandir, Parsabhata, Balco-Nagar, P.S.- Balconagar, District - Korba (Chhattisgarh)
3. Umesh Sahu S/o Keshav Prasad Sahu Aged About 19 Years R/o Parsabhata, Balco-Nagar, P.S.- Balconagar, District - Korba (Chhattisgarh)

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Balconagar, District Korba (Chhattisgarh)

---- Respondent

For respective
Applicants

Mr. Ashutosh Shukla and Mr. Vikas Pandey,
Advocates

For Respondent /State

Mr. Vikram Sharma, Dy. GA

(Proceedings through Video Conferencing)

SB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJ
Order On Board

30/7/2021

1. Heard.
2. Since all the four applications are arising out of the same crime number, they are being considered and decided by this common order.
3. These are the four applications filed under Sections 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime

No.135/2021 registered at Police Station Balconagar, District Korba (CG) for the offence punishable under Sections 307, 34 of the IPC.

4. Due to previous animosity, applicants namely Aakash Mahant (MCRC No.4134/2021), Sanjay Vaishav (MCRC No.4168/2021), Dwarika Chouhan @ Kancha (MCRC No.4361/2021) and applicants Tarun Chouhan, Yasin Anari @ Bobby Khan and Umesh Sahu (MCRC No.4365/2021) have injured Sumit Kiran by assaulting him by means of iron rod, pipe, club, hands and fists. The injured has suffered three cut wounds over frontal lobe, right parietal lobe and over chin. He also suffered pain and swelling over right leg, right shoulder and right wrist. He was advised for radiological examination, but the X-Ray report is not clear, as stated in the communication of Police Station Balco Nagar addressed to the Chief Medical Officer, Balco Hospital on 24.5.2021. While answering query raised in this letter, Dr. Vivek Sinha, Chief Medical Officer, Balco Hospital stated that the injury was grievous but death could not have been caused directly and the same may be caused due to complication.
5. As per the allegation, all the applicants have assaulted the injured, however, as per the medical opinion, the injuries were not directly fatal, therefore, considering that applicants namely Aakash Mahant, Sanjay Vaishav, Dwarika Chouhan @ Kancha, Yasin Anari @ Bobby Khan and Umesh Sahu have no previous criminal antecedents of any serious nature as also the fact that

they are in detention since 14.4.2021, this Court is of the opinion that present is a fit case to release these applicants on regular bail.

6. Accordingly, the applications i.e. MCRC No. 4134 of 2021, MCRC No. 4168 of 2021, MCRC No. 4361 of 2021 are allowed and MCRC No. 4365 of 2021 is allowed only in respect of applicants 2 & 3 and these applicants are directed to be released on bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.
7. In so far as Tarun Chouhan (applicant No.1 in MCRC No.4365 of 2021) is concerned, he has six previous criminal cases for different offences under the IPC and on two occasions, he has been proceeded under the preventive detention law and in the present case, iron rod has been recovered from him.
8. In view of the above, the bail application (MCRC No.4365/2021) filed on behalf of Tarun Chouhan is dismissed at this stage reserving liberty to move afresh after the statement of the injured.
9. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

