

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3387 of 2021**

1. Vijay Sarthi @ Bittu S/o Hirendra Sarthi Aged About 20 Years
2. Lalla Sarthi @ Bhagyawan Sarthi S/o Dhiraj Sarthi Aged About 19 Years

Both Resident of Sarthi Mohalla, Mathpara Durg Police Station Durg Tehsil
and District Durg CG

---- Applicants

Versus

State of Chhattisgarh through District Magistrate District Durg CG

---- Non-applicant

MCRC No. 4391 of 2021

Yogesh Dhimar S/o Raghunath Dhimar Aged About 21 Years R/o
Saraswati Nagar, Behind Kamla Dewangan House, City Kotwali, Durg
District Durg CG

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police of
Police Station Mohan Nagar, District Durg CG

---- Non-applicant

MCRC No. 5103 of 2021

Devprakash @ Akka S/o Pusau Ram Yadav Aged About 19 Years R/o
Math Para, Durg, Police Station Durg, Tahsil and District- Durg, CG

---- Applicant

Versus

State of Chhattisgarh through- The Station House Officer, Police
Station Mohan Nagar, Durg, CG

---- Non-applicant

For applicants (MCRC No. 3387/2021) : Mr. Avinash Chand Sahu, Adv.
For applicant (MCRC No. 4391/2021) : Mr. Jitendra Gupta, Adv.
For applicant (MCRC No. 5103/2021) : Mr. Shikhar Sharma, Adv.
For non-applicant/State : Mr. Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****16-11-2021**

1. Since all above three bail applications arise out of the same crime number of same police station, they are being heard and disposed of by this common order.
2. As per applicants, these are first bail applications under Section 439 of

the Cr.P.C. preferred by the applicants before this Court and no bail application is pending before any other court.

3. The applicants have been arrested in connection with Crime No. 406/2020 registered in police station Mohan Nagar, Distt. Durg, (CG) for offence punishable under Sections 302, 147, 148, 34 of the IPC and Section 25 and 27 of the Arms Act.
4. Brief facts of the case are that complainant Jasmit alias Jassi Singh lodged FIR on 18-12-2020 that in the evening of 18-12-2020, there was a quarrel between Pratik alias Lucky Parihar and accused Kishan Chandrakar over mobile phone. The complainant took mobile phone from Pratik alias Lucky Parihar and over mobile he called accused Kishan Chandrakar so that he would make compromise between Pratik alias Lucky Parihar and Kishan Chandrakar. At about 8.30 pm, when Pratik alias Lucky Parihar, Amit Suryavanshi alias Kalu, Vikas Singh alias Babbu, Shubham Mahobia and complainant were standing near Shankar Nagar, Durga Chowk, at that time, accused Krishna alias Kishan Chandrakar, Ravi Chandrakar, Balkaran alias Govind Yadav, Lucky alias Lalan Sarthi, Sujal Sarthi and 7-8 others came there holding shock-up, knife, stick, etc and started quarrelling with Pratik alias Lucky Parihar. At that time, Kishan Chandrakar, Ravi Chandrakar, Balkaran alias Govind Yadav, Lucky alias Lalan Sarthi, Sujal Sarthi along with 7-8 others associates, with common intention to murder Pratik alias Lucky Parihar, started committing marpeet threatening to kill him, Ravi Chandrakar stabbed him twice with knife near stomach and chest, Krishna alias Kishan Chandrakar, Balkaran alias Govind Yadav assaulted him by hands and fists, iron pipe, Lucky alias Lalan Sarthi and Sujal Sarthi assaulted Pratik with hands and fists, and others also assaulted him with iron pipes, hands, fists and sticks. He was taken to District Hospital, Durg, where the doctor declared him dead due to injuries.
5. Learned counsel for the applicants argued that the applicants have been falsely implicated in this case. The applicants have not participated in the alleged crime. Names of the applicants were not mentioned in the FIR, only due to enmity their names have been stated in the statements of witnesses recorded by police under Section 161 of the Cr.P.C. They next argued that no seizure has been made from possession of applicants Lalan Sarthi alias Bhagyawan Sarthi, Devprakash alias Akka and Yogesh Dhimar. Counsel for

applicant Vijay Sarthi alias Bittu submitted that an iron pipe has been shown seized at his instance, but alleged seizure has been made from open place from bush near pond, this seizure is false. Learned counsel for the applicants further argued that there is no previous criminal antecedent of the applicants, they are in jail since 19-12-2020 /3-3-2021, charge sheet has been filed, applicants are aged about 20-21 years, more detention without involvement in present crime would adversely affect their mental status and career also. Hence, they be enlarged on bail.

6. On the other hand, the State Counsel opposed the bail applications and submitted that applicants have actively participated in the alleged crime and their names have been found place in the statements of eye-witnesses and also they are aggressors in the incident, hence they are not entitled to be enlarged on bail.
7. I have heard counsel for both the parties and perused the case diary and the material available on record.
8. Considering the facts and circumstances of the case, names of applicants are not mentioned in the FIR, no seizure has been made from applicants except applicant Vijay Sarthi alias Bittu, iron pipe which said to have been seized at the instance of applicant Vijay Sarthi alias Bittu was received from bush near pond, charge sheet has been filed, applicant Lalaa Sarthi is in jail since 3-3-2021 and other applicants are in jail since 19-12-2020, they are said to be permanent residents of Durg District and considering totality of the facts and circumstances of the case, I feel inclined to allow the bail applications. Therefore, the applications are allowed. It is ordered that if each of the applicants furnishes one surety for a sum of Rs. 50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.
9. CC as per rules.

Sd/-
(N.K. Chandravanshi)
Judge