

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6135 of 2021**

Shubham Sahu S/o Mahesh Sahu, Aged About 24 Years, R/o Dhobi Talab, Bhim Nagar, Azad Chauk, Raipur Tahsil and District Raipur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through- Police Station- Azad Chauk, District- Raipur (C.G.).

---- Non-applicant**MCRC No. 7048 of 2021**

Vijay Panche S/o Raju Panche, Aged About 30 Years, R/o Balbhim Nagar, Chiruldi, Aamatalab, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Azad Chowk, Raipur, District Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant (MCRC No.6135/2021)	: Mr. Vikas Kumar Pandey, Advocate
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For Applicant (MCRC No.7048/2021)	: Mr. Pawan Kumar Kashyap, Advocate
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For Non-Applicant/State	: Mr. Kapil Maini, Panel Lawyer
For Objector	: Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****28.10.2021**

- 1) As both the bail applications arise out of same crime number, they are being heard and decided together by this common order.
- 2) Applicants have preferred these first bail applications under Section 439 of Cr.P.C for grant of regular bail as they have been arrested in connection with Crime No.136 of 2021, registered at Police Station Azad Chauk, Raipur District Raipur (C.G.), for the offence punishable under Section 307 read with Section 34 of

the Indian Penal Code.

- 3) Case of the prosecution is that, on 09.07.2021, Shubham Sahu gave mobile call to injured and called him near his house stating that other persons including Anshu Panche was also waiting for him. Based on call on mobile phone, injured reached to the place where present applicants have started quarreling with injured stating that his sister is not withdrawing complaint lodged against Hoshiyar Singh Thakur. Shubham Sahu with small iron rod used for digging (*Sabbaal*) has assaulted on his head, chest and stomach. Injured suffered grievous injuries over his person, he was taken to the hospital and thereafter, report was lodged, based upon which, aforementioned crime is registered against the applicants.
- 4) Mr. Vikas Kumar Pandey and Mr. Pawan Kumar Kashyap, learned counsel for the respective applicants would jointly submit that applicants have not committed any offence as alleged against them. It is the injured himself, who started quarreling and suffered injuries. It is contended that applicant Shubham Sahu is in jail since 09.07.2021, and applicant Vijay Panche is in jail since 24.08.2021, they are not having any criminal antecedent, hence, they may be enlarged on regular bail.
- 5) On the other hand, Mr. Kapil Maini, learned Panel Lawyer for the State and Mr. C.R. Sahu, Advocate for objector opposing the submissions made by learned counsel for the applicants, would submit that applicants on number of occasions, even prior to the

date of incident, visited house of injured and given threat for withdrawal of complaint and on the date of incident, applicant Shubham Sahu through mobile, called injured to the place of incident and thereafter, assaulted him. Injuries are grievous in nature. Injured suffered two injuries on his liver apart from other injuries over his person. He took treatment as inpatient from 09.07.2021 to 13.08.2021. Looking to the previous conduct of applicants and also on the date of incident, they are not entitled for grant of bail.

- 6) I have heard learned counsel for the parties.
- 7) Taking into consideration facts and circumstances of the case, nature of allegations, manner in which offence is stated to have been committed, caused injuries on vital part of the body, their previous conduct of giving threat to her sister and injured for withdrawal of complaint lodged earlier against one Hoshiyar Singh Thakur, I do not find it to be a fit case to enlarge the applicants on bail. Accordingly, the bail applications (MCRC Nos.6135 of 2021 and 7048 of 2021) are dismissed.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh