

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6650 of 2021

- Devlal Sahu @ Golu Sahu S/o Shri Lalla Sahu, Aged About 26 Years, (Name wrongly mentioned in the order sheet of bail rejection order of the learned Court below), R/o Durga Chowk, Rava Bhatta, P.S -Khamtarie, Raipur, District - (Revenue & Civil), Raipur, Chhattisgarh.

---- Applicant

Versus

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

--- Respondent

For Applicant	: Mr. Pradeep Sing Rahore, Advocate.
For State	: Mr. Shrikant Kaushik, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

08/09/2021

Heard.

1. First bail application of applicant was dismissed as withdrawn on 11.06.2021.
2. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.305/2020, registered at Police Station -Vidhansabha, Raipur, Distt -Raipur, (C.G.), for commission of offence punishable under Sections 294, 323, 427, 452, 506, 307, 460, 147, 148, 149 of the Indian Penal Code.
3. Case of the prosecution, in-brief, is that on 14.11.2020 in night, applicant along-with his friends went to house of complainant with Knife, Iron rod, wooden bat, 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 house and tried to intervene. Applicant along-with others 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, instant crime is registered against applicant and other co-accused person.

4. Learned counsel for the applicant submits that in FIR as well as statement of injured Shiv Kumar Peshwani @ Shiv Kukreja, father of complainant, common allegations have been levelled against all accused persons who are five in numbers, no specific allegation of assault by any weapon is levelled against applicant. All other co-accused persons have been enlarged on bail by this Court vide order dated 11.06.2021. Applicant is in jail since 18.11.2020, conclusion of trial may take some time. Hence, applicant may be released on bail.
5. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that applicant has been named in FIR to be associated along-with other co-accused persons. Though there is no specific overt act has been alleged against applicant in FIR and statement of injured Shiv Kumar Peshwani @ Shiv Kukreja but it has come in statement of injured that applicant is having previous enmity with injured. There are 13 other criminal antecedents against applicant of the year 2007, 2008, 2012, 2013, 2019 and 2020. Hence, applicant is not entitled for grant of regular bail.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation levelled in FIR and statement of injured Shiv Kumar Peshwani @ Shiv Kukreja, period of pre-trial detention since 18.11.2020, other co-accused persons have been granted bail, without commenting anything on merits of the case, I am inclined to allow this bail application.

8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one local surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicant shall appear as and when directed by the investigating agency during the course of investigation.
- b) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If he is 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/-