

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6706 of 2021**

1. Pawan Mahanand S/o Shri Tularam Mahanand Aged About 22 Years
2. Rahul Durga S/o Shri Narendra Aged About 21 Years
Both R/o Saddu Colony, Mowa, Raipur, Tahsil and District Raipur Chhattisgarh.
3. Sonu Uikey S/o Shri Horilal Aged About 21 Years R/o Siltara, Raipur, District Raipur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through The P.S. Mujgahan, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants : Shri Raj Shengale, Advocate on behalf of
Shri N. Naha Roy, Advocate

For Non-applicant/State : Shri Sameer Oraon, G.A.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****04.10.2021**

1. Shri Raj Shengale, learned counsel for the applicants, at the outset, seeks permission of this Court for withdrawal of application for grant of bail on behalf of applicant No.2, namely, Rahul Durga.
2. Permission is granted.
3. Accordingly, bail application on behalf of applicant No.2, namely, Rahul Durga is dismissed as withdrawn.
4. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants No.1 and 3, namely, Pawan Mahanand and Sonu Uikey, who are in custody since 23.06.2021 in connection with Crime No.55 of

2021 registered at Police Station Mujgahan, District Raipur (C.G.) for commission of offence punishable under Sections 294, 506, 323, 394, 384, 34 of Indian Penal Code.

5. Case of the prosecution, in brief, is that on 08.03.2021, when complainant was returning back to his village Sivni from Raipur, on the way, applicants Pawan Mahanand and Sonu Uikey along with two others have assaulted the complainant by means of iron pipe and forcefully took signature on blank paper. The incident was reported to concerned Police Station, based upon which, aforementioned crime was registered against total five accused persons including two applicants, namely, Pawan Mahanand and Sonu Uikey.
6. Shri Raj Shengale, learned counsel for the applicants would submit that applicants have been falsely implicated in the case and they have not committed any offence as alleged against them. He further submits that even in Test Identification Parade conducted by the Police during the course of investigation, applicants were not identified by complainant. No incriminating article has been recovered from the possession of applicants except vehicle owned by them. Applicants are in jail since 23.06.2021 and they are not having any criminal antecedent against them. He lastly submits that co-accused persons, namely Rahul Deep and Ravi Verma have been enlarged on regular bail in MCRC Nos.5156 of 2021 and 6585 of 2021 vide order dated 20.09.2021, hence, they may be enlarged on regular bail.

7. Shri Sameer Oraon, learned State Counsel opposing the submissions made by learned counsel for the applicants, would submit that applicants were present along with Rahul Durga at the time of commission of crime. They have obtained signature of complainant on blank paper. However, he do not dispute the submission of learned counsel for the applicants that present applicants were not identified by the complainant during Test Identification Parade and further, there is no seizure of any incriminating article or weapon stated to have been used in the incident from applicants Pawan Mahanand and Sonu Uikey, but one iron pipe has been seized from the possession of accused Rahul Durga.
8. I have heard learned counsel for the parties.
9. Taking into consideration the facts and circumstances of the case, nature of allegations, submissions made by learned counsel for the applicants and further the fact that applicants No.1 and 3, namely, Pawan Mahanand and Sonu Uikey were not identified by the complainant during Test Identification Parade, they are in jail since 23.06.2021 and co-accused persons, namely Rahul Deep and Ravi Verma have been enlarged on regular bail in MCRC Nos.5156 of 2021 and 6585 of 2021 vide order dated 20.09.2021, without commenting on the merits of the case, I am inclined to release the applicants No.1 and 3, namely, Pawan Mahanand and Sonu Uikey on regular bail.
10. Accordingly, the application on behalf of applicants No.1 and 3, namely, Pawan Mahanand and Sonu Uikey is allowed and it is

directed that applicants No.1 and 3, namely, Pawan Mahanand and Sonu Uikey shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) They shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge