

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7023 of 2021**

Rahul Sahu S/o Netram Aged About 18 Years R/o Zone 2, Balaknath
Mandir, Shanti Nagar Bhilai, District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S H O, Police Station Khursipar, District
Durg, Chhattisgarh

---- Non-applicant

MCRC No. 7213 of 2021

M. Ramesh Kumar S/o Dileshwar Rao Aged About 22 Years
Panchsheel Nagar, Gali Number - 7, Sector -1, Zone -1, Khurshipar,
Bhilai, Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through Police Station Khurshipar District Durg
CG

---- Non-applicant

For applicant (MCRC 7023/2021) : Mr. Ankur Kashyap, Adv. on behalf of
Mr. Aman Pandey, Adv.
For applicant (MCRC 7213/2021) : Mr. Uttam Pandey, Adv.
For non-applicant/State Mr. : Mr. Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****17-11-2021**

1. Since both the above 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. 240/2021 registered in police station Khursipar, Distt. Durg, (CG) for offence punishable under Section 147, 148, 149, 294, 506, 323 and 307 of the IPC.
4. Brief facts of the case are that on 13-6-2021 at 11.00 pm, complainant Ajay Kaushik lodged report in PS Khursipar that at 10.30 pm, when he came to his house along with brother Harinarayan at Khursipar, at that

time, accused persons Sachin, Chhotu alias Natwar, Raj, Nikhil, Sakil and others assaulted them due to previous enmity, with sharp edged weapons, abused them in filthy language, threatened to kill them and committed marpeet with them. In the incident, he sustained injuries on his chest, arms, hands and Harinarayan sustained injury on his left hand. On his report, FIR for the above offences has been registered.

5. Learned counsel for the applicants argued that initially the applicants were not named in the FIR, due to previous enmity they have been falsely implicated in the crime. The injured persons have not sustained any bony injury. The doctor has also not opined that the injuries sustained by the injured were likely to cause death. Even the injured persons were not admitted in hospital. Applicants M. Ramesh Rao and Rahul Sahu are in jail since 12-8-2021 and 15-6-2021 respectively. They are permanent resident of District Durg, Charge sheet has been filed, therefore, they may be released on bail.
6. On the other hand, the State Counsel opposed the bail applications and submitted that the injured persons were assaulted by the accused persons with sharp edged weapon, therefore, applicants are not entitled for 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, nature and gravity of offence, considering the MLC report of the injured persons, period of detention of the applicants, charge sheet has been filed, as per applicants, they are permanent resident of Distt. Durg, 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. 25,000/- 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