

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6890 of 2021**

Sudesh Chauhan S/o Deepak Chauhan, Aged About 30 Years R/o
Gandhi Nagar, Police Station Civil Line, District Raipur Chhattisgarh,

-----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Vidhansabha, Raipur, District Raipur Chhattisgarh

---- Non-applicant

MCRC No. 7006 of 2021

Lukky Sapha S/o Shri Budheshwar Sapha Aged About 21 Years R/o
Gandhi Nagar, Police Station- Civil Line, District- Raipur, Chhattisgarh.

-----Applicant

Versus

State Of Chhattisgarh Through Police Station- Vidhansabha, District-
Raipur, chhattisgarh

---- Non-applicant

For applicant (MCRC 6890/2021)	Mr. Rishabh Chandra Singh Deo, Adv. on behalf of Mr. Goutam Khetrapal, Adv.
For applicant (MCRC 7006/2021)	Mr. P.K. Patel, Adv.
For non-applicant/State	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. 253/2021 registered in police station Vidhansabha, Distt. Raipur, (CG) for offence punishable under Section 294, 323, 341, 427, 506, 34 of IPC.
4. Brief facts of the case are that on 18-7-2021 when complainant Dilip Nirmal, Vasu Thakur, Deva Singh Sen, Mahavir Baghel, Dhiraj Shukla and Dhansai had gone to Ghatarani temple, Gariyaband on Tavera vehicle, there was quarrel between Vasu Thakur and one Suresh Bangali, which was pacified. When they were returning in that vehicle, at about 7.50 pm, friends of Suresh Bangali stopped the vehicle at Ring Road No. 3 near Brothers Dhaba, they abused Vasu Thakur and Deva, threatened to kill them, damaged Tavera vehicle and also committed marpeet with Vasu Thakur and Deva with intention to murder them. Vasu Thakur and Deva were taken to hospital. On the

report lodged by the complainant, offence has been registered against Suresh Bangali and others. After investigation charge sheet has been filed for offence under Section 341, 294, 506, 323, 325, 307, 427, 34 of the IPC.

5. Counsel for the applicants argued that the applicants have been falsely implicated in this case. Quarrel had taken place on personal talking and at a spur of moment, present incident has occurred. They submitted that there is no intention of the applicants and other co-accused persons to attempt murder of the injured persons. Police has falsely registered offence under Section 307 of the IPC. It is hardly a case of Section 325 of the IPC because as per medical report, injury sustained by Vasu Thakur was grievous in nature but he was admitted in hospital only for 5 – 6 days, injury was not dangerous to his life. Other injuries sustained by Vasu Thakur and Deva were simple in nature. Applicants are in jail since 12-8-2021, charge sheet has been filed. Hence they be enlarged on bail.
6. On the other hand, the State Counsel vehemently opposed the arguments advanced by learned counsel for the applicants.
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, medical report of the injured persons, also taking into consideration that the applicants are in jail since 12-8-2021, charge sheet has been filed, as stated by counsel for the State there is no criminal antecedents of the applicants, I feel inclined to allow the bail application. Therefore, the application is 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