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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7054 of 2021**

- Vijay Kumar Kashyap, S/o Ajit Kumar Kashyap, aged about 39 Years, R/o B.R.P. Colony, Station Maroda, Police Station Newai, Tehsil and District Durg, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Police Station Newai, District Durg, Chhattisgarh.

----Non-applicant

MCRC No. 7183 of 2021

- Santosh Kumar Nishad, S/o Late Lakhan Nishad, aged about 28 Years, R/o Utkal Nagar, Station Maroda, Police Station Nevai, Tahsil and District Durg, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Nevai, District Durg, Chhattisgarh.

----Non-applicant

MCRC No. 7250 of 2021

1. Lalit Kumar Sahu, S/o Jageshwar Sahu, aged about 30 Years, R/o Bajrang Para, Station Maroda, Police Station Newai Bhilai, Tehsil and District Durg, Chhattisgarh.
2. Sanjay Kurre, S/o Mannu Kurre, aged about 31 Years, R/o Shankar Para, Station Maroda, P.S. Newai, Bhilai, Tehsil and District Durg, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Police Station Incharge, Police Station Newai, District Durg, Chhattisgarh.

----Non-applicant

MCRC No. 7470 of 2021

- Rakesh Singh Bhadauriya @ Rahul Bhaira, S/o Leela Singh Bhadauriya, aged about 41 Years, R/o S.A.F. Line, Katulboard, Near Sheetla Mandir, Durg, Police Station Newai, Tahsil and District Durg, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- Non-applicant**MCRC No. 7672 of 2021**

- Shubham Gupta, S/o Shubhash Gupta, aged about 21 Years, R/o Sangam Chowk, Station Road, Bhilai, District Durg, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through SHO, Police Station Nevai, District - Durg, Chhattisgarh.

----Non-applicant**MCRC No. 7696 of 2021**

- Dhanraj @ Muru Devar, S/o Late Sanjay Devar, aged about 19 Years, R/o Indira Chowk, Station Maroda, P. S. Newai, Bhilai, Tehsil and District Durg, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, P. S. Newai, District Durg, Chhattisgarh.

---Non-applicant

For Applicants	Mr. Manish Upadhyay, Mr. B.P. Singh, Mr. Shishir Dixit, Mr. Avinash Chand Sahu, Mr. H.A.P.S Bhatia, & Mr. Aman Pandey, Advocates for the respective applicants.
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For State	Dr. (Ms.) Veena Nair, Deputy A.G.
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Hon'ble Shri Justice Gautam Chourdiya
Order on Board

28/10/2021

1. As all the aforesaid first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.207/2021 registered at Police Station Newai, District Durg, C.G., for the offence punishable under Sections 147, 148, 149, 294, 506-B, 323, 324, 326 & 427 of Indian Penal Code and Sections 25 & 27 of the Arms Act, they are being disposed of by this common order.
2. According to the prosecution case, on 02.07.2021, the present applicants along with other co-accused persons having formed an unlawful assembly, assaulted the complainant- Rishabh Soni, Satish Rajwade, Yogesh Upadhyay & Prem Chaudhary by hands, fists, club, *Belcha* and knife and also damaged the vehicle Activa. On report being lodged to the above effect, the aforesaid offence have been registered against the applicant.
3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They submit that no assault was made by the present applicants. Applicants are in custody since 04.07.2021, 25.08.2021, 23.08.2021 & 04.07.2021 respectively, charge sheet has already been filed and conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. However, she submits that applicants- Shubham, Rakesh, Lalit and Sanjay have no criminal antecedents whereas

applicants- Vijay Kumar Kashyap has one criminal antecedent of Gambling Act of the year 2020, applicant- Dhanraj has five criminal antecedents bearing Crime No.138, 2017 for the offence under Sections 294, 506, 323, 34 of IPC, Crime No. 05/2020 for the offence under Sections 341, 294, 506, 323, 34 of IPC, Crime Nos. 42/2021, 57/2021 & 163/2021 for the offence under Sections 294, 323, 506, 34 of IPC and applicant- Santosh has one criminal antecedent bearing Crime No.275/2013 for the offence under Section 13 of Gambling Act.

5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, the nature of injury sustained by the victims, the detention period of the applicants, who are 39, 28, 21, 19, 41, 30 & 31 years old respectively, charge sheet has been filed and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, all the bail applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
 - (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh