

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7166 of 2020**

- Vinay Sharma, S/o Virendra Sharma, aged about 26 years, R/o Housing Board (H.B.) Colony Boriyakala, Police Station – Mujgahan, Distt. Raipur (C.G.)
- Bhishmnarayan Sharma, S/o Kaushal Sharma, aged about 23 years, R/o Mana Camp Block No. 07, Distt. Raipur (C.G.)

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Police Station – Police Station – Mujgahan, Distt. Raipur (C.G.)

---- Non-applicant**M.Cr.C. No. 7924 of 2020**

- Salman Ali @ Giddi, S/o Hussain Ali, aged about 26 years, R/o Irani Dera, Pandari, Tahsil & Distt. Raipur (C.G.)

(In jail)**---- Applicant****Versus**

- State Of Chhattisgarh, Through : Police Station – Police Station – Mujgahan/Sejbahar, Distt. Raipur (C.G.)

---- Non-applicant

For Applicants : Mr. Kishore Narayan, Advocate.

For Non-applicant/State : Dr. (Ms.) Veena Nair, Dy. A. G.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****12/01/2021**

- 1) Above mentioned two bail applications under Section 439 of the Cr.P.C. arise out of a common Crime No. 114/2020, registered at Police Station Mujgahan/Sejbahar, Distt. Raipur for the offence punishable under Sections 307, 323, 34, 147, 148 & 149 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, therefore, they are being heard analogously and decided by this Common Order.

M.Cr.C. No. 7924 of 2020

- 2) At the outset, learned counsel appearing for the applicants would submit that he may be permitted to withdraw the bail application being M.Cr.C. No. 7924 of 2020 with liberty to file a fresh bail application at the appropriate stage.
- 3) Accordingly, the M.Cr.C. No. 7924 / 2020 is disposed of as withdrawn with the liberty as stated above.

M.Cr.C. No. 7166 of 2020

- 4) The prosecution story in brief is that on 07.07.2020 at about 9 pm complainant Dinesh Sendre and his friends namely Ravi, Roshan and Anil were standing nearby their colony, at that time dispute arose between the complainant and co-accused Pankaj Tiwari and due to which after some time Pankaj Tiwari and his friends Vinay Sharma (present applicant), Raja Sharma and another co-accused Salman Ali @ Giddi came there and assaulted the complainant and his friends with knife, hand & fist and thereby committed the aforesaid offences.
- 5) Learned counsel appearing for the respective applicants would submit that the applicants have been falsely implicated in the crime in question as they have not committed any offence. He further submits that similarly situated co-accused namely Pankaj Tiwari had already been released on bail by the trial Court. He further that injuries suffered by the victim are simple in nature, that too, which were caused by co-accused – Salman Ali @ Giddi and the applicants have been arrested on 10.07.2020 & 08.07.2020, respectively and the charge sheet has already been filed and the trial is likely to take time for its final disposal. Therefore, the applicants may be released on bail.
- 6) On the other hand, learned counsel for the Non-applicant/State opposes the bail applications.
- 7) Looking to the fact that the injuries were caused by applicant - Salman Ali @ Giddi on abdomen part of the complainant, as a result thereof he sustained multiple injuries on his abdomen, which were sufficient to cause his death and no any injuries were caused by the present applicants namely Vinay Sharma &

Bhishmnarayn Sharma to the complainant, therefore, they are entitled to be released on bail and further considering the fact that present applicants [Vinay Sharma & Bhishmnarayn Sharma] have been arrested on 10.07.2020 & 08.07.2020, respectively and the charge sheet has already been filed and the trial is likely to take time for its final disposal; and the fact that similarly situated co-accused namely Pankaj Tiwari had already been released on bail by the trial Court and the applicants have no criminal antecedent as admitted by the counsel for parties, without further commenting upon merits of the case, the bail application (*M.Cr.C. No. 7166 of 2020*) is allowed. It is directed that in the event of the each of applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- 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 not involve themselves in any offence of similar nature in future.

8) Resultantly, **M.Cr.C. No. 7166 of 2020** filed by applicants namely Vinay Sharma & Bhishmnarayan Sharma is allowed **whereas M.Cr.C. No. 7924 of 2020** filed by applicant namely Salman Ali @ Giddi is disposed of as withdrawn with liberty to file fresh application at the appropriate stage.

Certified copy, as per rules.

Sd/-

(Gautam Chourdiya)
Judge

D/-