

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7760 of 2021

1. Himanshu Bhaskar S/o Manoj Bhaskar Aged About 24 Years R/o Jorapara Sarkanda Police Station Sarkanda, District- Bilaspur, Chhattisgarh.
2. Manish Kumar Dhruv S/o Keshav Lal Dhruv Aged About 24 Years R/o Gaitra Police Station Balodabazaar District- Balodabazaar, District- Balodabazaar, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali
Balodabazaar, District- Balodabazaar, Chhattisgarh.

---- Non-Applicant

For Applicants:	Shri Sushobhit Singh, Advocate.
For Non-Applicant/State :	Ms Seema Dixit, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

25.10.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicants, who have been arrested in connection with Crime No.329/2021 registered at Police Station – City Kotwali, District – Baloda Bazar, Chhattisgarh for the offence punishable under Sections 341, 294, 506, 323, 392 and 394/34 IPC.
2. Prosecution case in brief is that on 17.06.2021 at about 6.00 pm, when Complainant-Bheemlal Khurre was riding his motorcycle from Karmada to Sonpuri, village Gaitra, *en route*, the present Applicants stopped him and started demanding money for the sake of liquor and upon refusal by him, he was assaulted after being looted.
3. Learned Counsel for the Applicants submits that the Applicants have

no connection with the crime in question at all and have been falsely implicated in the same for which, they are in jail since 19.06.2021. He further submits that the incident occurred out of mutual conflict and no lethal weapon was involved in the incident, the nature of injury was also simple and no premeditated life threatening attack was made on the victim and therefore, they may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application.

5. Considering the facts and circumstances of the case, the period of detention, the nature of injury, the case is triable by the Judicial Magistrate, First Class and the trial is likely to take sometime for its conclusion, I am inclined to grant regular bail to the Applicants.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the Applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.10,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed. In case any default is committed by the Applicants in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Deepak Kumar Tiwari)
Judge