

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 7742 of 2021

Ram Sinha S/o Shri Kunjo Sinha Aged About 19 Years R/o Village- Depo Para,
Pithora, P. S. And Tehsil- Pithora, District- Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Pithora,
District Mahasamund Chhattisgarh.

---- Non-Applicant

M.Cr.C No.7962 of 2021

Nilesh Sahu S/o Lakhan Lal Sahu Aged About 20 Years R/o Village Teka, Police
Station- Pithora, District- Mahasamund, Chhattisgarh.

--- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Pithora,
District- Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicants:	Shri Surfaraj Khan and Pawan Kesarwani, Advocates.
For Non-Applicant/State :	Shri Vaibhav Kartik Agrawal, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

25.10.2021

1. These are the first bail applications 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.235/2021 registered at Police Station – Pithora, District, Mahasamund, Chhattisgarh for the offence punishable under Sections 294, 323, 327, 341 and 506/34

IPC.

2. Prosecution case in brief is that a written complaint was lodged by the Complainant Yashwant Patel stating that on 07.09.2021, the present Applicants have stopped him and his friend Goutam near village Teka and demanded money for the sake of ganja and on refusal, they were assaulted by them by hands and fists and also with the iron rod and therefore, offence under sections 294, 323, 327, 341 and 506/34 IPC was registered.

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, Applicant Ram Sinha and Nilesh Sahu are in jail since 08.09.2021 and 07.09.2021 respectively, therefore, they may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application. He submits that Criminal Case No.85/2021 under Sections 294, 232 and 506 IPC is pending against Applicant Nilesh Sahu.

5. Considering the facts and circumstances of the case, the period of detention, the nature of allegation, the case is triable by Judicial Magistrate, First Class, the Applicants are below 21 years of age and the trial is likely to take sometime for its conclusion, therefore, I am inclined to grant regular bail to the Applicants.

6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are 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

Priya