

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8601 of 2020

Sunil @ Sunny Malghani S/o L. Shri Sachhanand Malghani Aged About 32 Years R/o VIP Colony Shiv Talkies Chowk, District Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Tarbahar, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

MCRC No. 278 of 2021

Rahul Shukla S/o Ram Sundar Shukla Aged About 28 Years R/o Sahgal Gali,
Near Santoshi Mandir Vidya Nagar, P. S. Tarbahar, District Bilaspur
Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through Police Station Tarbahar, District Bilaspur
Chhattisgarh

---- Respondent

For respective Applicants	:	Shri Awadh Tripathi and Shri P.K. Tulsyan, Advocates
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/04/2021

Heard.

1. The applicants have repeated their bail applications. Earlier bail applications were dismissed as withdrawn.
2. The applicants have been arrested in connection with Crime No.166 of 2020 registered at Police Station- Tarbahar, District Bilaspur (CG) for the alleged commission of offence under Section 294, 307 & 34 of IPC & under Section 25 of the Arms Act.
3. Learned counsel for the applicants would argue at this stage that now injured Chandrashekar Pike has been examined by the prosecution and he has not supported the prosecution story as far as allegation against the present

applicants Sunil @ Sunny Malghani and Rahul Shukla is concerned. It is submitted that according to the victim himself, he does not know who assaulted him. His father has also been examined and he has also not supported the prosecution story. Therefore, at this stage, the applicants may be released on bail as they are in jail since 16.07.2020 & 17.07.2020 respectively.

4. On the other hand, learned State counsel opposes the bail application and submits that the allegations against the applicants are grave in nature and therefore, at this stage, trial has not been concluded, the applicants may not be released on bail.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicants that the victim himself has now been examined in the Court and not supported the prosecution case in so far as present applicants are concerned, and that prima facie evidence that the applicants are not involved as assailant, at this stage, I am inclined to grant bail to the applicants. The application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge