

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7959 of 2021

Mohan Soni S/o Late Damru Soni Aged About 21 Years R/o Khemkha Housing Board, Block No. 5, House No. 9, Saddu, Police Station Vidhan Sabha, District Raipur Chhattisgarh. **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pandri, District Raipur Chhattisgarh. **---- Non-Applicant**

For Applicant: Shri Devershi Thakur, Advocate.
For Non-Applicant/State : Ms. Ishwari Grithlahare, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

29.10.2021

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 Applicant, who has been arrested in connection with Crime No.169/2020 registered at Police Station – Pandri District – Raipur, Chhattisgarh for the offence punishable under Sections 341, 148, 149, 294, 323, 325, 506 and 302 IPC and under Sections 25 & 27 of the Arms Act.
2. Prosecution case in brief is that injured Vinod Batra went to meet one Shubham at Trimurti Nagar along with his friends Chaitram Sahu and Raunak Sharma. When Shubham was not found there, they were returning to Pandri Tarai where they saw the Applicant in an inebriated condition and while passing, he (the Applicant) stopped them and started abusing them and also caused injury to Vinod Batra after calling his friends.
3. Learned counsel for the Applicant submits that the present Applicant

is innocent and has been falsely implicated in the crime in question. He further submits that there was a scuffle between the Applicant and the Complainants Vinod Batra, Chaitram Sagu and Rounak Sharma, wherein some more boys have come there and at that time, one Ashwini @ Badal had stabbed Amit Gain and Ritik Dhriv had assaulted the injured with knife. He further submits that the Applicant had played no role in the entire dispute that arose between them, both the groups had issue with regard to ganesh *jhanki*, there has been no seizure from the present Applicant and co-accused Gokul Nayak has already been granted bail vide order dated 17.08.2021 passed in M.Cr.C No.4044/2021 and another co-accused Ritesh Kumar Pathare @ Mukesh has been granted bail vide order dated 06.04.2021 passed in CRR No.193/2021, the Applicant is in jail since 28.10.2020 and therefore, he 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 FIR which reflects that the Complainant has called some other boys, then the incident had happened, the main role played by Ashwini @ Badal and Ritik Dhriv, only one bamboo stick has been seized from the present Applicant, the nature of evidence, the period of detention and the trial is likely to take some time for its conclusion, I am inclined to grant regular bail to the Applicant.

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

7. It is directed that the Applicant shall be released on bail on his

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

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya