

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9184 of 2020**

- Sarthak De, S/o Lt. Shri Morvin De, Aged about 34 years, R/o H. No. 72, Pragati Vihar Colony, Amleshwar, Tehsil Patan, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through P.S. Gol Bazar, District Raipur (C.G.)

---- State/Non-applicant

M.Cr.C. No. 9198 of 2020

- Himanshu Sharma, aged about 30 years, son of Prafull Sharma, resident of Priti Vihar Colony, Amleshwar, Police Station – Amleshwar, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station Gol Bazar, Raipur, District Raipur (C.G.)

---- State/Non-applicant

And**M.Cr.C. No. 9431 of 2020**

- Ritesh Sahu S/o Lakhan Lal Sahu, aged about 19 years, R/o Village – Amleshwar, Police Station – Amleshwar, District Durg (C.G.), Mob. No. 62671-96273

---- Applicant

Versus

- State of Chhattisgarh, through, Station House Officer, Police Station – Golbazar, District Raipur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Pragalbha Sharma, Advocate appears in M.Cr.C. No. 9184/2020
For Applicant	:	Shri Prafull Bharat & Shri Arvind Kumar Dubey, Advocates appear in M.Cr.C. No. 9198/2020
For Applicant	:	Shri Awadh Tripathi, Advocate appears in M.Cr.C. No. 9431/2020
For Non-Applicant/State	:	Shri Sameer Uraon, Government Advocate and Shri V.K. Agrawal, Panel Lawyer appear in all the bail applications.

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****05.02.2021**

1. As all the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 115/2020 registered in Police Station – Gol Bazar, District Raipur (CG) for the offence punishable under Sections 365, 386 & 392 of IPC, they are being disposed of by this common order.
2. Case of the prosecution is that on 27.11.2020 at about 11:30 pm one Swift Car was parked on the middle of the road near Union Club where 2-3 persons were quarreling with Hasim and Gudiya who are resident of Gupta Complex where complainant Vivek Gupta resides. When the dispute was seen by the complainant, he was trying to pacify the dispute, however, the persons, who were quarreling, assaulted upon the complainant and abused him filthily, they took the complainant by their Car to Raipura Amleshwar and detained him in a house where they looted golden chain and ring of the complainant and demanded Rs.50,000/- from his house and threatened him of his life.
3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime. They submit that the incident happened on 27.11.2020 and on that date complainant Vivek Gupta was in drunken condition, therefore, he lodged the false report on 28.11.2020 at 04:20 pm against the applicants. They further submit that applicant Sarthak De is a cardiac patient and have to take regular medical checkup. They also submit that applicant Himanshu Sharma is a student of LL.M and applicant Ritesh Sahu is a student of 12th standard, if they are not released on bail, their career may be ruined. They further submit that the applicants are languishing in jail since 28.11.2020 & 29.11.2020 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the fact that it is shown that there is previous enmity of applicant Himanshu Sharma with the complainant and the dispute arose first with Hasim and Gudiya with 2-3 persons, when applicant Himanshu Sharma was pacifying the dispute, quarrel started with the complainant, his sister and unknown person, that nature of injury found on the body of complainant, considering the age of the applicants i.e. 34, 30 & 19 years, all residents of Durg, applicant Sarthak De is a cardiac patient, applicant Himanshu Sharma is a student of LL.M and applicant Ritesh Sahu is a student of 12th standard that the incident happened on 27.11.2020 at 11:30 pm and the F.I.R. was lodged on 28.11.2020 at 04:20 pm., no looted property was seized from the above applicants, the detention period of the applicants and conclusion of the trial is likely to take some time, and that there is no apprehension of the applicants tampering with the evidence or absconding and also they have no criminal antecedents as admitted by both the counsel, without expressing any opinion on merits of the case, the applications are allowed.
7. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

8. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

9. In the result, all the above bail applications are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

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