

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9133 of 2021

1. Sachin Kumar Vikal, S/o Kawarpal Singh Vikal, Aged About 26 Years, R/o Sadharanpur, Police Station Inchouli, District Merath (U.P.) At Present R/o Saragaon, Bhathapara, Police Station Kharora, District Raipur, Chhattisgarh
2. Harish Kumar Gurjar, S/o Maharaj Singh, Aged About 28 Years, R/o Ikwara, Police Station Hastinapur, District Merath (U.P.) At Present R/o Saragaon, Bhathapara, Police Station Kharora, District Raipur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Vidhansabha Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicants	Ms. Fouzia Mirza, Senior Advocate with Mr. Rahim Ubwani, Advocate
For Respondent	Mr. Shakti Singh, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

17/12/2021

1. The applicants have preferred this first bail application under Section 439 of CrPC for grant of regular bail, as they have been arrested in connection with Crime No.304/2021, registered at Police Station Vidhansabha, District Raipur for the offence punishable under Sections 307 & 323/34 of IPC.
2. The case of the prosecution in brief is that on 28.08.2021 at around 10:30 pm, the present applicants with an intent to murder Monish Kumar committed maarpeet with him by using stick and belt, as a result of which the injured Monish Kumar

received injuries on his head and the applicants also committed maarpeet with the companion of the applicant Bimbalkar, thereby they committed the said offence.

3. Learned counsel for the applicants submits that the applicants are innocents and have been falsely implicated in the crime in question. The FIR was lodged by the complainant, in which he has stated that he was beaten by stick and belt by two persons and during the registration of the FIR, the complainant stated that the persons who committed maarpeet with him are unknown. The MLC report of Tanay Nimbalkar dated 29.08.2021 suggests that the injury received to him is simple in nature. The injured Monish Kumar was admitted to the hospital on 29.08.2021 and was discharged on 05.09.2021. The applicants are in jail since 31.08.2021, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of offence, the fact that the complainant lodged the offence against unknown persons, No TI parade has been done by the prosecution and the injured Tanay got simple injury and other injured Monish Kumar has also been discharged from the hospital and he has also got only single injury, genesis of the

incident, this Court finds fit to enlarge the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of ₹ 10,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following conditions:

(I) The applicants shall furnish a coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court at the time of bail, which shall be verified from its original by the trial Court.

(II) The applicants shall furnish a specific undertaking that while on bail, they will not commit any offence of the same nature, otherwise the bail granted to them shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicants 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/her from disclosing such facts to the Court or to any police officer.

(IV) The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge