

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 419 of 2024**

1 - Jitendra Nirmalkar S/o Santosh Nirmalkar Aged About 24 Years Rameshwar Nagar,
Khamardih, Raipur, District : Raipur, Chhattisgarh

---- appellant

Versus

1 - State Of Chhattisgarh
Through - P.S. Khamtarai, District : Raipur, Chhattisgarh

---- Respondent

10.05.2024	Mr. Akash Sahu, learned counsel for the Appellant. Ms. Nita Tulsani Thawani, Panel Lawyer, for the Respondent/ State. Heard on I.A. No. 01 which is an application for suspension of sentence and grant of bail. Learned counsel for the appellant would submit that present appellant has not caused any injuries to the victims and the injuries caused to the victims are being caused by other accused persons. The injuries caused to the victims are simple in nature. The present appellant is in jail since 22/12/2022 and appeal will take its own time for final adjudication, therefore, the appellant may be released on bail. On the other hand, the learned counsel for the State opposes and has submitted that the present appellant along with his friends came to the petrol pump and caused injuries to the victims and he actively participated in the

offence, though, the blow was made by other accused. She would further submit that the present appellant is having criminal antecedents of Crime No. 33/2019 and Crime No. 35/2022 registered at Police Station, Khamtarai, Dist- Raipur which was for the offence under Sections 294, 506, 327, 34 of IPC and 294, 323, 506, 34 of IPC respectively and therefore, the appellant is not entitled for bail.

I have heard learned counsel for the parties and perused the record.

Considering the submissions made by the learned counsel for the parties, considering the nature of allegation against the present appellant about his participation in the offence in question and further considering that the present appellant is having two criminal antecedents, further considering and evidence of the victims (PW/2) Vimal Kumar Talmale and (PW/3) Dadu Sahu and (PW/4) Nitesh Talmale, I am not inclined to release the appellant on bail.

The I.A. No. 01 is rejected.

List this case for final hearing after 10 weeks.

Sd/-
(Ravindra Kumar Agrawal)
Judge