

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2591 of 2015

Kanhaiya Lal Chauhan, S/o Netram Chauhan, aged about 38 years, R/o Village Saraipali, Police Station Kotra Road, Tahsil & District Raigarh (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Kotra Road, Raigarh, District Raigarh (C.G.)
 ---- Non-applicant

For Applicant:	Mr. Ashish Gupta, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

ANDMisc. Criminal Case No.3077 of 2015

1. Yuvraj Chouhan, S/o Sahaniram, aged about 25 years,
2. Bhanu Uraon, S/o Bali Uraon, aged about 24 years,

Both are R/o Village Patrapali (Transport Nagar), P.S. Kotra Road, Raigarh, Civil and Revenue District Raigarh (C.G.)
 ---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Kotra Road, Raigarh, Civil and Revenue District Raigarh (C.G.)
 ---- Non-applicant

For Applicants:	Mr. Rajesh Ranjan Sinha, Advocate.
For Non-applicant:	Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/07/2015

1. Heard.
2. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.

3. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.42/2015, registered at Police Station Kotra Road, Raigarh for the offence punishable under Sections 294, 506, 323 and 307 read with Section 34 of the IPC.
4. Case of the prosecution, in brief, is that the present applicants on 21-2-2015 have allegedly assaulted Tilak, Mukesh & Narayan by which Mukesh suffered grievous injuries and Tilak & Narayan also suffered injuries, and thereby the applicants have committed the offence.
5. Learned counsel for the applicants submit that the applicants have not committed any offence and have been falsely implicated in the case. Applicant Kanhaiya Lal Chauhan is in jail since 5-4-2015, applicant Yuvraj Chouhan is in jail since 23-2-2015 and applicant Bhanu Uraon is in jail since 10-3-2015.
6. On the other hand, learned State counsel would oppose the bail applications and would submit that applicant Yuvraj Chouhan caused injury by stone on the face of Tilak and applicant Bhanu Uraon caused injury by sharp edged weapon by which Tilak suffered grievous injury and remained hospitalized at Raigarh and thereafter, referred to Apollo Hospital, Bilaspur for treatment. Considering the nature of injury and the manner in which Tilak was assaulted by the applicants, the present applicants are not entitled to be released on bail. Learned State counsel referred to the statements of the prosecution witnesses recorded before the Court.
7. After hearing counsel for the parties and taking into account the statements recorded before the Court, I am of the opinion that applicant Yuvraj Chouhan is not entitled for bail, as stone, by which grievous injury was allegedly caused to injured Tilak, has been seized from his possession. Therefore,

M.Cr.C.No.3077/2015 so far as it relates to applicant No.1 Yuvraj Chouhan, is rejected. However, considering the nature and gravity of offence, role of applicants Bhanu Uraon & Kanhaiya Lal Chuahan, their pre-trial detention and the fact that trial has already been initiated, I am of the opinion that applicants Bhanu Uraon & Kanhaiya Lal Chuahan deserve to be released on regular bail. Accordingly, M.Cr.C.No.2591/2015 is allowed and M.Cr.C.No.3077/2015 so far as it relates to applicant No.2 Bhanu Uraon, is also allowed.

8. It is, therefore, directed that applicant No.2 Bhanu Uraon in M.Cr.C.No.3077/2015 and applicant Kanhaiya Lal Chuahan in M.Cr.C.No.2591/2015 be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge