

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3294 OF 2015**

1. Heera Das S/o Dayal Das aged about 33 years
2. Tiju Ram Didi S/o Bhagwat Das Didi aged about 28 years
Both R/o village Pendri, Police Station Bhathapara Gramin, District Balodabazar-Bhathapara (C.G.)

---Applicants**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station Bhathapara, Bhathapara Gramin, District Balodabazar-Bhathapara (C.G.)

---Non-applicant

For Applicants : Mr. Pawan Kesharwani, Advocate

For Non-applicant : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/07/2015**

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 applicants who have been arrested in connection with Crime No. 88/2015, registered at Police Station Bhathapara Gramin, District Balodabazar-Bhathapara (C.G.), for the offence punishable under Sections 294, 506(B), 307, 325, 34 of I.P.C.
2. Case of the prosecution, in brief, is that, present applicants assaulted Jhhala Ram and four others, by which, Jhhala Ram suffered grievous injury and other complainants were suffered simple injuries.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the case. He would further submit that in fact, complainants assaulted the present applicants, by which, Crime No.87/2015 was lodged in the Police Station Bhathapara and thereafter, on a counter blast, Crime No. 88/2015 has been lodged by the complainants against the applicants. He would lastly submit that charge sheet has been filed and applicants are in jail since 17/04/2015, therefore, they are entitled to be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that on the FIR made by the applicants, criminal case was registered against the complainant party and they have been charge sheeted.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of injury; counter case registered against the complainants and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

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

8. It is directed that applicants namely, Heera Das and Tiju Ram Didi shall 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 trial Court for their appearance as and when directed.

9. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE