

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 3851 of 2015**

1. Chintamani Yadav son of Daitari @ Kandra Yadav, aged about 31 years,
2. Himandri @ Mandri Yadav son of Daitari @ Kandra Yadav, aged about 29 years,

Both are by Caste-Mahkul, resident of Tuttoli Ghoghar, Police Station-Kansabel, District-Jashpur (CG)

---Applicants

Versus

State of Chhattisgarh Through : Station House Officer, Police Station-Kansabel, District-Jashpur (CG)

---Non-applicant

For Applicants	:	Mr. Harish Kunutia, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10/08/2015

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.111 of 2015, registered at Police Station-Kansabel, Distt.Jashpur (C.G.), for the offence punishable under Sections 294, 506B, 323, 324, 456 & 307/34 of the IPC and Section 3 (1) (10) & 3 (2) (5) of the Scheduled Cates & Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that the present applicants unauthorizedly entered into the house of the complainant on 17.6.2015, abused him and caused grievous injuries, which were sufficient to cause his death knowing fully well that the complainant is a member of Scheduled Caste and thereby committed the aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have

not committed any offence and they have been falsely implicated in this case. He would further submit that the present applicants are in jail since 2.6.2015 and injuries are simple in nature.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that axe has been recovered from the possession of the present applicants.

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 offence; their role in crime in question and their pre-trial detention, I am of the opinion that present is a 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 **Chintamani Yadav** and **Himandri @ Mandri Yadav** 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-