

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4401 of 2015**

1. Devanand Yadav S/o Late Panduram Aged About 50 Years
Caste Gayar,
2. Rajeev Ram S/o Devanand Yadav Aged About 28 Years Caste
- Gayar

Both are R/o Village - Khantadadh, Police Station And Tahsil
Bagicha, Civil And Revenue District - Jashpur (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through: The Station House Officer,
Police Station Bagicha, Civil And Revenue District - Jashpur
(Chhattisgarh).

---- Non-applicant

For Applicants:	Shri Ashok Kumar Shukla, Advocate.
For Non-applicant:	Shri Om P. Sahu, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/09/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 88/2015 registered at Police Station Bagicha, District Jashpur (C.G.) for the offences punishable under Sections 147, 148, 341, 323, 294 & 307/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 5.5.2015 at 8 p.m. applicants and other co-accused persons assaulted Kailash Yadav, Naresh Yadav & Jin Yadav and abused them and also caused grievous injuries, which were sufficient to cause their death and thereby committed the aforesaid offences.

(3) Counsel for the applicants would submit that applicants have been falsely implicated in the offence in question as the injured person were aggressor and pursuant to which at the instance of applicant No. 1-Devanand Yadav, Crime No. 89/2015 was registered against the injured persons on 6.5.2015 at 0.50 am for the offences punishable under Section 294, 323, 458, 147 & 148 of the Indian Penal Code and they are also facing prosecution and as the applicants are languishing in jail since 06.05.2015 and charge sheet has already been filed, no useful purpose would be served in detaining them in jail and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; nature of injuries suffered by the victims and the counter case has also been registered against the injured persons; further considering the facts that applicants are in jail since 06.05.2015; and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants **Devanand Yadav & Rajeev Ram** are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-