

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4094 of 2015

Vijay Yadu, S/o Shri Gambhir Singh Yadu, aged about 38 years, R/o Village Mohandi, Tahsil & P.S. Magarlod, District Dhamtari (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Magarlod, Distt. Dhamtari (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.4626 of 2015

1. Komal Yadu, S/o Shri Gambhir Yadu, aged about 51 years.
2. Jeevan Yadu, S/o Shri Gambhir Yadu, aged about 45 years.
3. Manoj Sahu , S/o Shri Devendra Sahu, aged about 26 years.
4. Maheshwar Das, S/o Shri Lokeshwar Das Manikpuri, aged about 25 years.
5. Hulas Dhruv, S/o Shri Tikam Dhruv, aged about 24 years.
6. Shekhar Bhrigraj, S/o Durga Prasad, aged about 28 years.
7. Kishan Sahu, S/o Shri Lal Ji Sahu, aged about 40 years.
8. Parsuram Yadav, S/o Shri Dhannu Yadav, aged about 45 years.

All R/o Village Mohandi, Tahsil & P.S. Magarlod, District Dhamtari (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station Magarlod, Distt. Dhamtari

---- Non-applicant

For Applicants:	Mr. Dheerendra Pandey, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/09/2015

1. Since both the applications are arising out of the same crime number, they

are being disposed of by this common order.

2. 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.139/2015, registered at Police Station Magarlod, Distt. Dhamtari, for the offence punishable under Sections 147, 148, 294, 323, 506, 452, 427 and 307 read with Section 149 of the IPC.
3. Case of the prosecution, in brief, is that on 21-6-2015, the applicants along with other co-accused persons assaulted, abused and threatened to kill complainants / injured Om Prakash Sahu, Devendra Sahu & Girish Sahu, and thereby these injured persons suffered grievous injuries which were sufficient to cause death.
4. Learned counsel for the applicants submits that the applicants have not committed any offence, they have been falsely implicated in the case and they are in jail since 22-6-2015. In fact, on 21-6-2015, the applicants got Crime No.140/2015 registered at Police Station Magarlod, Distt. Dhamtari against the complainant party and as a counter blast, the complainant party have lodged FIR and Crime No.139/2015 has been registered against the applicants. The complainant party has been charged for offence punishable under Sections 147, 148, 149, 294, 323, 324, 506B, 452 & 427 read with Section 34 of the IPC. Substantive investigation has already been completed and four members of the complainant party have already been released on bail by this Court by order dated 28-7-2015 passed in M.Cr.C.No.3367/2015, and no useful purpose will be served by detaining the applicants in jail.
5. On the other hand, learned State counsel opposes the bail applications.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants, grounds raised by

the applicants, counter-case has been registered against the injured complainants and pre-trial detention of the applicants, I am of the opinion that the applicants should be enlarged on regular bail. Accordingly, the applications are allowed.

8. It is, therefore, directed that the applicants 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