

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5272 of 2015

1. Rajendra, S/o. Shri Dayaram, aged about 30 years, Caste-Satnami
2. Santosh, S/o. Shri Dayaram, aged about 28 years, Caste-Satnami,
3. Ashok, S/o. Shri Dayaram, aged about 24 years, Caste-Satnami,
4. Dilip, S/o. Shri Dayaram, aged about 22 years, Caste-Satnami

All are R/o. Village- Dhandhan, P.S. & Tahsil Takhatpur, District Bilaspur (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. K.N. Nande, Advocate
For Respondent/State	:	Mr. Om P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2015

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.200/2015, registered at Police Station – Takhatpur, District Bilaspur (C.G.) for the offence punishable under Section 307, 147, 148, 149 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on the date of incident, the Shiva Sonwani and his sons were cultivating their land at that time, the applicants alongwith others came down and assaulted, Sukhchain and Sant Kumar to cause death. Sant Kumar sustained four injuries and

one of them is on head and likewise Sukhchand also sustained injuries on his head at the parietal region and rest on the other part of the body.

3. Learned counsel for the applicants would submit that the applicants were not aggressor in fact they were on their land and the complainant themselves were the aggressor entered into their land and in order defend themselves, the accident has happened. He would further submit that nature of the injuries can not be stated to be fatal in nature. He would therefore prays that considering the detention of the applicants, they may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. This bail application has been filed by four accused persons i.e. Rajendra, Santosh, Ashok & Dilip out of seven accused persons. Statement of Sant Kumar would show that Santosh had caused the injury on his head, which is also affirmed by the medical evidence. With respect to the others, averments have been made but they do not pertain to the injury made on the head of Sant Kumar. Considering the statement of Sant Kumar and the role played by the applicants, Rajendra, Ashok and Dilip apart from the accused, Santosh and considering the period of detention, this Court is of the opinion that present is a fit case, in which, the applicants No.1, 3 & 4 i.e. Rajendra, Ashok & Dilip should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of the applicant No.1, 3 & 4 is allowed. However, the bail application in respect of the applicant No.2, Santosh, is dismissed at this stage.
8. It is directed that applicants No.1, 3 & 4 shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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/-
(Goutam Bhaduri)
Judge