

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3367 of 2015

1. Shrawan Sahu, S/o Shiv Prasad Sahu, aged about 49 years.
2. Hemlal Yadav, S/o Dhamraj Yadav, aged about 38 years.
3. Pintu Vaishnav, S/o Shri Vishnuram Vaishnav, aged about 29 years.
4. Santram Bharti, S/o Shri Gulabram Bharti.

All are resident of Village Mohandi, Police Station Magarload, District Dhamtari (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Police Station Magarload, Tahsil Magarload, District Dhamtari (C.G.)

---- Non-applicant

For Applicants:	Mr. Prateek Sharma, Advocate.
For Non-applicant:	Mr. Suvigya Awasthi, Panel Lawyer.
For Complainant/Objector:	Mr. Shivendu Pandya, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/07/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.140/2015, registered at Police Station Magarload, Distt. Dhamtari, for the offence punishable under Sections 147, 148, 149, 294, 323, 324, 506B, 452 and 427 read with Section 34 of the IPC.
2. 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 complainant Komal Yadu and other persons by entering into the house, and thereby committed the offence.
3. I have heard learned counsel for the parties and perused the case diary.

4. Learned counsel for the applicants submits that the applicants have not committed any offence, they have been falsely implicated in the crime and they are in jail since 22-6-2015. In fact, on 21-6-2015 the applicants have got registered Crime No.139/2015 at 9.15 p.m. to Police Station Magarload, Distt. Dhamtari and immediately after 15 minutes, as a counter-blast, these offences have been registered against the applicants. In fact, the complainants were charged for the offence punishable under Sections 147, 148, 149, 294, 323, 506 Part-II and 307 of the IPC and they were also said to be in jail in the aforesaid offences. Merely because the applicants have defeated the complainant party, the applicants have been implicated for political reasons and as such, they are in jail since 22-6-2015 and substantive investigation has already been completed and no useful purpose will be served by detaining the applicants in jail.
5. On the other hand, learned State counsel opposes the application and submits that wooden stick has been recovered from the possession of applicants No.3 and 4.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants, grounds raised by learned counsel for the applicants, pre-trial detention of the applicants and the fact that counter case has been registered against both the parties, I am of the view that it is a fit case to grant regular bail to the applicants. Accordingly, the application is allowed.
7. 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