

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5420 of 2015

1. Bajrang Sonwani, S/o Late Buturam, Aged About 45 Years,
R/o Village Bulgaon, Police Station : Ramanujganj, District
Balrampur Chhattisgarh
2. Sakindra @ Bablu, S/o Munni Mahato Aged About 33 Years,
R/o Village Bulgaon, Police Station : Ramanujganj, District
Balrampur Chhattisgarh

--- Petitioners

Versus

- State Of Chhattisgarh Through : Ramanujganj, District :
Balrampur Chhattisgarh

--- Respondent

For the applicants	:	Mr. Sushil Dubey, Advocate
For the Respondent	:	Ms. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 87 of 2015 registered at P.S. Ramanujganj, District Balrampur (C.G) for the offence punishable under Sections 294, 506, 323, 307/34 of IPC,
2. As per the prosecution version, on 02.07.2015 the applicants along-with other co-accused have assaulted Sohan Ram and wife of complainant Nankuram by which they have sustained grievous injuries which was sufficient to cause death.
3. Learned counsel for the applicants submits that the complainant and the applicants are real brothers and the incident happened because of dispute over partition of the land. He further submits that in such quarrel, the applicants also suffered grievous injury and there was no intention to kill and the assault was made by a club. He further submits

that the charges sheet has been filed in this case and the applicants are in jail 02.07.2015, and looking to the period of detention of the applicants, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. I have gone through the charge sheet and other documents collected by the prosecution.
6. A perusal of the case diary documents shows that applicant Bajrang has also sustained grievous injury caused by the complainant in the quarrel took place over the partition of property.
7. Considering the nature of dispute which led to quarrel between the brothers in which both the parties sustained grievous injuries and the degree of allegations against each other as also the fact that the charge sheet has already been filed and looking to the detention period of applicants who are in jail since 02.07.2015, I am inclined to release them on bail.
8. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They are also directed to appear before the trial Court as and when directed by the said Court till the trial is concluded.
9. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**