

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5910 of 2015

1. Dharam Yadav S/o Sudhu Yadav Aged About 50 Years R/o Village Salonikala, Out Post Bhatgaon, Police Station Bhilaigarh, Civil & Revenue District Baloda Bazar Bhatapara Chhattisgarh
2. Ram Yadav S/o Dharam Yadav Aged About 24 Years R/o Village Salonikala, Out Post Bhatgaon, Police Station Bhilaigarh, Civil & Revenue District Baloda Bazar Bhatapara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : Station House Officer, Police Of
Police Station - Bilaigarh, District - Baloda Bazar Bhatapara
Chhattisgarh

---- Respondent

For applicants - Shri Tarendra Kumar Jha, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/11/2015

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 183/2015 registered in Police Station Bilaigarh (out post Bhatgaon) District Baloda Bazar-Bhatapara (C.G.) for offence punishable under section 294, 506, 323, 325, 307, 34 of IPC and Section 3 (2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. As per the prosecution case complainant Vishram Tandon had purchased an ox from applicant No.1 and some part of the consideration was unpaid, therefore on 15/06/2015 when complainant's son Hetu Ram met in the society accused demanded balance amount from him and

abused him. Thereafter, altercation started and the complainant Vishram Tandon was assaulted by way of club.

3. Learned counsel for the applicants submits that the way the offence has been committed it would reflect that it is out of sudden altercation over dispute of small amount of money incident has happened. He further submits that the injury report would also show that there is no fracture and further intention to commit murder can be completely ruled out in the manner offence is made out. He further submits that Section 3 (2) (v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act do not attract in this case and the charge sheet has been filed and the applicants are in jail since 24/08/2015, therefore they may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having regard to the fact and gravity of offence, nature of the allegation and the fact that charge sheet has been filed, considering the nature of injury and the evidence available and the applicants are in jail since 24/08/2015, this court is inclined to release the applicants on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

