

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6390 of 2015

1. Rajkumar @ Raj Baghel, S/o. Ramdas Baghel, aged about 29 years,
 2. Ramdas Baghel S/o. Late Amritlal, aged about 70 years,
- Both are resident of Village Narotikapa, P.S. Kota, Civil and Revenue District Bilaspur (C.G.)

-----Applicants

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Kota, Civil and Revenue District Bilaspur (C.G.)

-----Respondent

For Applicants	:-	Shri M.D. Dhote, Advocate
For Respondent/ State	:-	Shri Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

26/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 217/2015 wrongly mentioend in the rejection order as 317/2015, registered at Police Station- Kota, District- Bilaspur(C.G.) for the offence punishable under Section 307,324, 34 of IPC.
2. As per the prosecution on 29.06.2015 at about 8.30 in the morning the complainant saw the accused/ applicants were tilling their land thereafter, it was objected by the victim and the incident took place suddenly the quarrel was broken out between the parties and the complainant Budhram Bhaghel sustained head injury and Shanti Baghel sustained hand and leg injuries and the other victim Prafull Baghel and Sanju Baghel sustained fracture on their legs. It was further stated that at the time of incident the assault was made by

Axe, club and lathi and as such they have committed offence punishable under section 307,324, 34 of IPC.

3. Counsel for the applicants that the applicant No. 2 is aged about 70 years old and he is real brother of the complainant Budhram. He further submit that in this case the charge-sheet has already been filed and the applicants are not the aggressor and they were tilling the lands of victim Budhram and it was objected by the complainants, He further submits that the complainant and the applicants are the family members and it was a family dispute. He further submit that in the C.T. Scan report only fracture was shown and considering the fact that the applicants are in jail since 29.06.2015 and therefore, prays that the applicants may be enlarged on bail.
4. Per contract state counsel and the objector opposes the application for grant of bail.
5. Having gone through the charge-sheet and the statement it shows that the injured Shanti Baghel sustained fracture, the injured Budhram sustained lacerated wound, Sonu and Prafull further sustained lacerated wound, further also considering the statement of the complainants and after going through the statement and taking into account the fact that the involvement of the applicant No.1 in the alleged crime, I am not inclined to grant bail to the applicant No.1. However, the applicant No. 2 Ramdas, considering the age of applicant No. 2 who is aged about 70 years and he is in jail since 29.06.2015, I am inclined to grant bail to the applicant No.2.
6. Accordingly the bail application of the applicant No.1 is rejected and the bail application of Applicant No.2 is allowed.

7. The applicant No. 2 is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Santosh