

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6457 of 2015

1. Rajkunwar W/o Rambharos Aged About 55 Years Caste Cherwa, R/o Village Naugai, Police Station And Tahsil Sonhat, District Korea Chhattisgarh.
2. Sonamati W/o Rajman Aged About 45 Years Caste Cherwa, R/o Village Naugai, Police Station And Tahsil Sonhat, District Korea Chhattisgarh.
3. Saraswati W/o Shyamlal Rajak Aged About 30 Years Caste Dhobi, R/o Village Naugai, Police Station And Tahsil Sonhat, District Korea Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sonhat, District Korea Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Anil Gulati, Advocate
For Respondent/ State	:-	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

30/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 97/2015 registered at Police Station- Sonhat, District – Korea (C.G.) for the offence punishable under Sections 148, 149, 294, 506, 323, 326/34 of IPC.
2. As per the prosecution case in brief is that on 17.09.2015, the applicant alongwith the other co-accused persons have jointly assaulted to Singu Ram with the help of hand, club, iron rod by whereby he sustained four injuries and one fracture on his body. It is further alleged that the applicants and other co-accused also inflicted injuries to the complainants Meena Rajak, Shishankar,

Vishnu and Ramlakhan and the incident occurred because of Meena Rajak wife of Singu Ram who runs the society wherein she used to misappropriation in the accounts of the share holders.

3. Counsel for the applicants submit that the applicants are in jail since 29.09.2015 and the charge sheet in this case has already been filed and as all the offence are triable by JMFC and considering the nature of offence levelled against the applicants, and therefore, they may be enlarged on bail.
4. Per contra, state counsel opposes the application for grant of bail.
5. Considering the fact and circumstances of the case and the nature of offence and the allegation level against the applicants and further taking the fact that the charge sheet in this case has been filed and the offence are triable by the JMFC and the applicants are in jail since 29.09.2015, this Court is of the opinion, that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. It is made clear that if the applicant is found to be involved in similar offence again, this order granting bail to the applicant shall automatically stand canceled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicant in

this case also, after informing the concerned Judicial Magistrate where trial is pending.

9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Santosh