

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7086 of 2015

1. Rameshwar, S/o. Heeralal, Aged About 35 Years,
 2. Anil, S/o. Rameshwar, Aged About 18 Years,
- Both are R/o. Kudkai, Police Station- Pendra, District- Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - Pendra, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Mr. Yogendra Chaturvedi, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2015

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.148/2015, registered at Police Station- Pendra, District Bilaspur (C.G.) for the offence punishable under Section 294, 323, 506, 307/34 of Indian Penal Code.
2. As per the prosecution case, in brief, on 02/08/2015 a report was lodged that at about 7 pm one Rameshwar Rajak abused the complainant because of the previous enmity and thereafter also threatened him and thereafter he went away and subsequently at 7.30 pm when injured reached near Pandri Talab at that time Rameshwar Rajak and others came with club and thereafter assaulted him and thereby offence was committed.

3. Learned counsel for the applicants submits that had there been any intention to kill the injured, they would have killed in the spot as he was alone. Though Axe has been stated to be used during such assault but it has not been recovered and injury of Axe is also not present. He further submits that the similarly placed co-accused has been enlarged on bail in M.Cr.C. No.6104/2015 on 17.11.2015, therefore, the applicants may also be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, after verification, he do not dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed and further considering the fact that the similarly placed co-accused has been enlarged on bail, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge