

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4784 of 2015**

Ramvichar Yadav S/o Late Dangar Yadav, aged about 58 years, by
Caste-Ahir, R/o Village-Batwahi, Police Station & Tahsil-Lundra, Civil &
Revenue Distt.Surguja (CG)

---Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Police Station-
Lundra, Distt.Surguja (CG)

---Non-applicant

And**M.Cr.C.No.4808 of 2015**

1. Suraj Yadav S/o Ramvichar Yadav, aged about 32 years, by Caste-Ahir,
2. Ghur Sai S/o Sadhu Ram, aged about 30 years, by caste-Bargarh,
3. Gahan Ram S/o Mohar Sai, aged about 28 years, by caste-Nagesiya,
4. Radhe Nagesh S/o Jethu, aged about 26 years, by caste-Nagesiya,

R/o Village – Batwahi, Police Station-Lundra, Civil & Revenue
Distt.Surguja (CG)

---Applicants

Versus

State of Chhattisgarh, through, Station House Officer, Police Station-
Lundra, Distt.Surguja (CG)

---Non-applicant

For Applicants	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. O.P.Sahu, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/09/2015**

1. Since the aforesaid two bail applications are arising out of the same crime number, they are being disposed of by this common order.

2. These are the first bail applications filed under Section 439 of the

Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.73/2015, registered at Police Station-Lundra, District-Surguja (C.G.), for the offence punishable under Sections 147, 148/34, 323, 294, 506-B and 307 of the IPC.

3. Case of the prosecution, in brief, is that the present applicants along with other co-accused persons assaulted injured persons namely Satpal Singh, Tajinder Pal Singh and Jaspal Singh by hands, fists and wooden sticks, by which they suffered grievous injuries which were sufficient to cause their death and also abused them and threatened to kill them and thereby committed the aforesaid offence.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that co-accused namely Satish Prasad Jaiswal has been enlarged on bail by this Court vide order dated 18.8.2015 in M.Cr.C.No.3876 of 2015 and case of the present applicants is similar to that of the co-accused. He would also submit that applicants Ramvihar Yadav & Suraj Yadav are in custody since 24.6.2015, applicant Ghur Sai is in custody since 25.6.2015 and applicants Gahan Ram & Radhe Nagesh are in custody since 3.7.2015 and substantive investigation has already been completed, and therefore, they may be released on bail.

5. On the other hand, learned counsel for the State would oppose the bail applications and affirm that bail was granted to co-accused Satish Prasad Jaiswal vide order dated 18.8.2015 in M.Cr.C.No.3876 of 2015.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case;

further taking into consideration the nature and gravity of offence; registration of counter-case against the injured party; role of the present applicants; their pre-trial detention, injury suffered by applicant-Ramvichar Yadav, who made complaint on behalf of other co-accused persons and the fact that bail was granted to co-accused Satish Prasad Jaiswal, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that applicants **Ramvichar Yadav, Suraj Yadav, Ghur Sai, Gahan Ram** and **Radhe Nagesh** shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-