

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5226 of 2015**

1. Santlal, aged about 36 years, Son of Kriparam,
2. Basant, aged about 27 years, Son of Kriparam,
3. Kriparam, aged about 68 years, Son of Padum,
All Caste Satnami, Resident of Village Sirco, Thana Basna, Tahsil Pithora, Civil
& Revenue District Mahasamund (CG)

---Applicants**Versus**

State of Chhattisgarh through Police Station Basna, Civil & Revenue District
Mahasamund (CG)

---Non-applicant

For Applicants	:	Mr. Sunil Verma, Advocate
For Non-applicant	:	Mr. Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/10/2015**

1. This is the first bail application 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.187/2015, registered at Police Station-Basna, District-Mahasamund (CG), for the offence punishable under Sections 323, 294, 506 and 326 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the present applicants assaulted complainant/injured Rameshwar Baghel by dangerous weapons/lathi by which he suffered grievous injuries and remained hospitalized for 38 days as he suffered injury of spinal cord and thereby committed the aforesaid offences.
3. 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 applicants No.1 & 2 are sons of applicant No.3, they are in jail since 14.8.2015 and charge-sheet has already been filed and therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that offence is punishable with imprisonment for life and as such, considering the nature of injuries, the applicants are not entitled to be released on bail.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of applicants No.1 and 2 and seizure of lathi from them, this Court is of the opinion that present is not a fit case, in which, applicants No.1 and 2 namely **Santlal** and **Basant** should be enlarged on regular bail. Accordingly, bail application filed on behalf of applicants No.1 and 2 namely **Santlal** and **Basant** is rejected. However, taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence, considering the role of applicant No.3 Kriparam and his pre-trial detention as he is aged about 68 years, this Court is of the opinion that present is a fit case, in which, applicant No.3 **Kriparam** should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant No.3 **Kriparam** shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-