

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5367 of 2015

1. Balram Yadav, S/o Dharam Ydav, aged about 30 years.
2. Bhagirathi Yadav, S/o Dharam Yadav, aged about 21 years.

All are R/o Village Salonikala, Out post Bhatgaon, Police Station Bhilaigarh,
Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station
Bilaigarh, District Baloda Bazar-Bhatapara (C.G.)

---- Non-applicant

For Applicants:	Mr. T.K. Jha, Advocate.
For Non-applicant:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/10/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.183/2015, registered at Police Station Bilaigarh (Out Post Bhatgaon), Distt. Baloda Bazar-Bhatapara, for the offence punishable under Sections 294, 506, 323, 325, 307 read with Section 34 of the IPC and 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 15-6-2015, the applicant and two other co-accused persons assaulted four injured namely Vishram, Rameshwar, Gangaram and Mangli Bai by wooden cane, by which they suffered grievous injuries which were sufficient to cause death.
3. Learned counsel for the applicants submits that the applicants have not

committed any offence, they have been falsely implicated in the case and they are in custody since 24-8-2015. In the FIR, the applicants were not named and on the report of co-accused Dharam Yadav offence under Sections 341, 294, 506 and 323 read with Section 34 of the IPC has been registered against the Scheduled Caste complainants. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that injuries were sufficient to cause death and wooden cane has been recovered from the possession of the applicants.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants, nature of injuries, the fact that the applicants were not named in the FIR, registration of counter case against the complainants, pretrial detention of the applicants and the fact that charge-sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicants. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants 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 Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge