

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 5440 OF 2015**

1. Balmukund S/o Late Shri Gopal aged about 41 years R/o Khogapani Police Station JhagraBand Tehsil Manendragarh District Korea (C.G.)
2. Manoj Chaturvedi @ Gotar S/o Late Shri Rambodh aged about 29 years Caste Brahmin Occupation Business R/o Khogapani Police Station Jhagrakhand District Korea (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through Police Protection Centre Khongapani P.S.
Jhagrakhand District Korea (C.G.)

---Non-applicant

For Applicants	: Mr. Pawan Kesharwani, Advocate
For Non-applicant	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/10/2015**

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. 120/2015, registered at Police Station Jhagarakhand Korea (C.G.), for the offence punishable under Sections 307, 342, 506, 294, 147 of IPC and Section 3(2-5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that, on 19/07/2015 applicants and six other co-accused persons wrongfully confined victim Vikrant and assaulted him by hands and fists by which he suffered grievous injury which was sufficient to cause death knowing fully well that he is member of Scheduled Caste and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the offence in question. He would further submit that no allegation by causing grievous injury by the present applicants as they have caused alleged injury by hands and fists. He would further submit that injuries suffered by the victim are simple in nature. He would lastly submit that applicants are in jail since 20/07/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that applicants have three criminal antecedents.

5. On the reply, learned counsel for the applicants would submit that in Sessions Case No.14/2013, applicants have been acquitted on 28/12/2013 and one case under Section 309 of the IPC and other cases under Sections 294 and 147 of the IPC are pending consideration.

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; role of the applicants in offence in question; injuries inflicted by the applicants; pretrial detention of the applicants and the fact that co-accused namely Manoj Kumar and Sanoj Kumar @ Vijay have already granted bail by this Court vide order dated 09/09/2015 passed in M.Cr.C. No.4675/2015, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

9. It is directed that applicants, namely, Balmukund and Manoj Chaturvedi @ Gotar, 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 trial Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari