

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 24 of 2016

1. Smt. Sakunti Bai, W/o. Shri Natthulal Sinha, Aged About 50 Years.
2. Rupa Bai, W/o. Shri Umesh Sinha, Aged About 30 Years.
3. Smt. Kaleshwari Bai, W/o. Shri Jay Kumar Sinha, Aged About 20 Years.
4. Umesh Kumar, S/o. Natthulal Satnami, Aged About 32 Years,
5. Jaykumar, S/o. Shri Natthulal Satnami, Aged About 23 Years.
6. Premlal, S/o. Natthulal Satnami, Aged About 20 Years.

All are by Caste Satnami, R/o. Village Gatoura, Shantinagar
Ambedkar Chowk, Thana & Tahsil Masturi, Civil & Rev. Distt.
Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police
Station Masturi, Distt. Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.01.2016

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.318/2015, registered at Police Station– Masturi, District Bilaspur (C.G.) for the offence punishable under Section 147, 294, 323, 506, 336, 307/34 of IPC.
2. Case of the prosecution, in brief, is that on 02.10.2015, Natthulal and Chamak landed into altercation as to why Chamak was abusing in the night to the family members and thereafter, both the family members came out and scuffle started and out of that both the parties had beaten each other. On the report of Natthulal, the offence was registered in crime No.317/2015 and the instant report

was lodged by Bhuri Bai wherein it was the allegation that the stone which was thrown by Natthulal, she lost her eye sight.

3. Learned counsel for the applicants submits that considering the way the incident happened no intention was there to kill each other and out of a small dispute it aggravated and the main allegation of throwing stone is on Natthulal and against these applicants, general allegations were attributed. He further submits that the charge sheet has been filed and the applicants are in jail since 03.11.2015; therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and considering the nature and degree of allegation and the way the offence is committed and further taking into fact that the charge sheet has been filed and the main allegation is on Natthulal, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on 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