

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2516 of 2016

1. Laxman, S/o. Premu Sahu, Aged About 36 Years.
2. Premu, S/o. Netram Sahu, Aged About 62 Years.
3. Jageshwar, S/o. Laxman, Aged About 20 Years.

All are R/o. Village Thelaki, Police Station Kasdol, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Chowki Lawan, Police Station Kasdol, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicants : Ms. Sofia Khan, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23.06.2016

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.130/2016, registered at Police Chowki- Lawan, Police Station- Kasdol, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 186, 294, 506, 353, 332, 333 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicants alongwith other co-accused have assaulted the complainant Mahesh Verma, Sub Engineer, PWD on 21.03.2016 while he went to inspect the preparation of culvert and he was assaulted by way of stone and fist, thereby, he sustained grievous injuries. Subsequently, the complaint was lodged on 06.04.2016 and the applicants were arrested on 08.04.2016.

3. Learned counsel for the applicants would submit that the FIR is delayed by 16 days and the applicants have been falsely implicated in this case. It is further submitted that the similarly placed co-accused namely Laxminarayan has been enlarged on bail by the co-ordinate Bench of this Court on 06.06.2016 in M.Cr.C. No.2594 of 2016, therefore, the present applicants may also be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the similarly placed co-accused has been enlarged on bail by the co-ordinate Bench of this Court.
5. Taking into the facts and circumstances of the case and further taking into the nature of allegation and the fact that the applicants are in jail since 08.04.2016 and the other similarly placed co-accused has been enlarged on bail, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their 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.

Sd/-
(Goutam Bhaduri)
Judge