

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3551 of 2016

1. Thandaram Gupta, S/o. Maheshwar Gupta, Aged About 63 Years, R/o. Village - Tribhauna, Police Station & Tahsil - Pusour, District – Raigarh, Chhattisgarh
2. Nityanand, S/o. Thandaram Gupta, Aged About 45 Years, R/o. Village - Tribhauna, Police Station & Tahsil - Pusour, District – Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through District Magistrate, Raigarh, District Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. Chandresh Shrivastava, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.07.2016

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.82/2016 registered at Police Station- Pusour, District Raigarh (C.G.) for the offence punishable under Section 294, 323, 506/34, 325, 307 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicants alongwith co-accused Satyanand during the altercation in between the family members gave a blow to Khemanidhi, thereby, the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants and the complainant are related to each other and partition took

place and out of such partition some altercation was going on and at that time Satyanand gave a blow and there was no intention to kill the injured and the background of the case would show that the dispute arose in between the family members. He further submits that the charge sheet has been filed and the applicants are in jail since 09.05.2016, therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of Tilakram. It reveals that the dispute arose for the reason that some partition was being affected and the complainant appears to be the family member of the applicants. Taking into the background of this case and further taking into the fact that the charge sheet has been filed and the applicants are in jail since 09.05.2016, 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