

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4031 of 2016

1. Omprakash Satnami & Others S/O Shri Manish Kumar Aged About 25 Years Occupation Agriculture, R/O Magli Police Station Kukdur, Tahsil Pandariya, District Kabirdham Civil & Rev. District Kabirdham Chhattisgarh.
2. Bhupendra Satnami S/O Shri Manish Kumar Aged About 28 Years Occupation Student (Studyinng N I T), R/O Magli Police Station Kukdur, Tahsil Pandariya, District Kabirdham Civil & Rev. District Kabirdham Chhattisgarh.
3. Lalu Satnami S/O Shri Manish Kumar Aged About 32 Years Occupation Student (B.Sc. Final Year), R/O Magli Police Station Kukdur, Tahsil Pandariya, District Kabirdham Civil & Rev. District Kabirdham Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The District Magistrate, Kabirdham Chhattisgarh.

---- Respondent

For Applicants : Mr. Sandeep Shrivastava, Advocate

For Respondent/State : Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

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 on 13-6-2016 in connection with Crime No. 50 of 2016, registered at Police Station Kukdur, District Kabirdham (CG) for the offence punishable under Sections 452, 294, 323, 506/34 of the IPC.
2. The case of the prosecution, in brief, is that on 8-6-2016 at 7.00 p.m., the applicants armed with iron rod and stones entered the house of complainant, abused her and thereafter assaulted her over a dispute relating to partition of land and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the complainant is in relation with the applicants and she has compromised with the applicants and in this regard affidavit has also been filed by the complainant. He would further submit that the dispute arose between the applicants and the complainant because of partition of land, charge-sheet has been filed in this case, the applicants are in jail since 13-6-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have perused the case diary and the documents. Also perused the statement of the complainant which would show that the complainant has compromised with the applicants.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicants and further considering the statement of the complainant and also taking into fact that the charge-sheet has been filed and the applicants are in jail since 13-06-2016, 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 and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju

