

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3986 of 2016

1. Ratan Ram, S/o. Late Mahesh Ram, aged about 21 years,
2. Ratnesh Ram, S/o. Late Mahesh Ram, aged about 19 years,
Both are R/o. Village- Sarnatoli, Tahsil and District – Jashpur (C.G.), Civil and Revenue District – Jashpur (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through : P.S. - Jashpur, District – Jashpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. A.K. Prasad, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer.

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 in connection with Crime No. 82/2016, registered at Police Station- Jashpur, District Jashpur (C.G.) for the offence punishable under Section 307, 34, 324 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.03.2016 during birthday party, altercation took place in between the applicants and the complainant, wherein complainant Abhisek was assaulted by hand and fists and when it was intervened by Kailash, he was assaulted by the applicant No.2, Ratnesh Ram by way of screwdriver on his abdomen. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that offence under Section 307 of I.P.C. would not be made out as there was no

intention to kill and no pre-preparation was exist and only all of a sudden, the incident happened. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 27.03.2016, therefore, under the facts and circumstances of the case, the applicants 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 on behalf of the parties.
6. Perused the case diary and the documents. Considering the background and facts and circumstances of the case, further taking into the nature of injury and the fact that charge sheet has been filed and the applicants are in jail since 27.03.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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