

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.107 of 2016

1. Khemlal (wrongly mentioned as Khemraj in the trial Court rejection order), S/o Teeka Ram Sahu, aged about 19 years, Occupation Agriculturist,
2. Hagru @ Raju, S/o Mangal Sahu, aged about 28 years, Occupation Agriculturist,

Both are residing at Village Chimagondi, Police Station Kawardha, Tahsil Kawardha, District Kabirdham (CG)

---- Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kawardha, District Kabirdham (CG)

---- Non-applicant

For Applicants:	Mr. Awadh Tripathi, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/02/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.400/2015, registered at Police Station Kawardha, Distt. Kabirdham, for the offence punishable under Sections 147, 148, 294, 506B, 323 and 307 read with Section 149 of the IPC.
2. Case of the prosecution, in brief, is that the applicants along with four co-accused persons assaulted Lakhan by axe by which he suffered grievous injuries which were sufficient to cause death and also threatened him to kill.
3. Learned counsel for the applicants would submit that the applicants

have not committed any offence and they have been falsely implicated in the crime, in fact, the dispute occurred between the father of applicant No.1 and Lakhan, both are brothers, on account of some partition of land and property, as such Crime No.401/2015 has also been registered against Lakhan for the same offence on the report of applicant No.1 and against the report of Teeka Ram, father of applicant No.1. The applicants are in jail since 21-12-2015. Charge-sheet has not been filed and no useful purpose will be served by keeping the applicants in jail.

4. On the other hand, learned State counsel would oppose the application and would submit by stating that head injury has been sustained by Lakhan which was sufficient to cause death.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, nature of injuries, relationship between Teeka Ram and Lakhan, pretrial detention of the applicants and counter case has been registered against Lakhan on the report of Teeka Ram, I am of the view that it is a fit case to grant regular bail to the applicants. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge