

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 280 of 2016

1. Thakur Ram Sahu S/o Shri Bhagoli Ram Sahu, Aged About 40 Years, Caste Teli, R/o Village Dhourabhatha, Police Station Magarlod, Civil and Revenue Distt. Dhamtari Chhattisgarh.
2. Kamlesh Sahu S/o Shri Jagannath Sahu Aged About 35 Years Caste Teli, R/o Village Dhourabhatha, Police Station Magarlod, Civil And Rev. Distt. Dhamtari Chhattisgarh.
3. Raju @ Rameshwar Sahu S/o Sohan Lal Sahu Aged About 36 Years Caste Teli, R/o Village Dhourabhatha, Police Station Magarlod, Civil And Rev. Distt. Dhamtari Chhattisgarh.
4. Ramesh Sahu S/o Shri Jagannath Aged About 45 Years Caste Teli, R/o Village Dhourabhatha, Police Station Magarlod, Civil And Rev. Distt. Dhamtari Chhattisgarh.
5. Dron Sahu S/o Shri Sukhram Sahu Aged About 45 Years Caste Teli, R/o Village Dhourabhatha, Police Station Magarlod, Civil And Rev. Distt. Dhamtari Chhattisgarh.
6. Veerendra Nagarchi S/o Shri Chhibiram Nagarchi Aged About 25 Years Caste Nagarchi, R/o Village Dhourabhatha, Police Station Magarlod, Civil And Rev. Distt. Dhamtari Chhattisgarh.
7. Vedprakash Nagarchi S/o Shri Loman Nagarchi Aged About 20 Years Caste Nagarchi, R/o Village Dhourabhatha, Police Station Magarlod, Civil And Rev. Distt. Dhamtari Chhattisgarh.
8. Heeralal Nagarchi S/o Shri Kartik Nagarchi Aged About 30 Years Caste Nagarchi, R/o Village Dhourabhatha, Police Station Magarlod, Civil And Rev. Distt. Dhamtari Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Police Station Magarlod, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. R.S. Patel, Advocate
For Respondent/ State	:-	Ms. Sunita Jain, Panel Lawyer
For Objector	:-	Mr. Shivendu Pandya, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

28/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who

has been arrested in connection with Crime No. 284/2015 registered at Police Station- Magarlod, District – Dhamtari (C.G.) for the offence punishable under Sections 147, 148, 149, 452, 294, 325 ,427 of Indian Penal Code.

2. Case of the prosecution, in brief, is that on 13.11.2015 a report was lodged by the complainant Tukesh @ Tukeshwar Dewangan alleging that the applicants have assaulted the complainant and their family members by way club and the other arms. Thereby, the offence is committed.
3. Counsel for the applicants submits that initially the applicants in their house they were not the aggressor and the complainant have entered into the house for which a report was made earlier by these applicants which was registered as crime No. 283/2015 and the applicants herein in their house was assaulted and beaten the complainant. He further submits that the applicants in order to counter allegation a report was made to save them. He further submits that the applicants are in jail since 14.11.2015, therefore, they may be enlarged on bail.
4. State counsel as well as counsel for the objector vehemently opposes the prayer for grant of bail.
5. Perused the evidence, statement and the medical report, prima-facie it appears that the applicants were not the aggressor and in the counter case, the other accused persons have been enlarged on bail by this Court in M.Cr.C. No. 7720 of 2015 on 18.01.2016. Taking into the fact and the evidence which is available on record and the medical report and the way the offence has been committed out of the scuffle in between the parties in the house of the applicant. Considering the fact and circumstances of the case,

the charge-sheet has been filed and the offence is triable by JMFC, I am inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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