

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7287 of 2015

1. Durga Prasad @ Karan Tiwari, S/o. Shri Mangal Prasad Tiwari, aged about 35 years, R/o. Village-Shankar Nagar under over bridge P.S. Torwa, District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Police Station - Torwa, District – Bilaspur (Chhattisgarh)

---- Respondent

AND

M.CR.C. No. 7331 of 2015

1. Shankar Bihari Sharma, S/o. Dev Kumar Sharma, aged about 20 years, R/o. Govind Nagar, Sirgitti, Police Station – Sirgitti, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Torwa (Wrongly mentioned as Sirgitti in order sheet), District – Bilaspur (Chhattisgarh)

---- Respondent

For Applicants	:	Mr. Dharendra Pandey, Advocate & Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.176/2015, registered

at Police Station – Torwa (wrongly mentioned as Sirgitti in order sheet), District – Bilaspur (C.G.) for the offence punishable under Section 294, 506, 323, 324 and 307/34 of I.P.C..

2. Case of the prosecution, in brief, is that 21.06.2015 at about 10.00 PM, the applicants called the complainant, Somnath and asked him to remove the light and thereafter took him to a place known as Lalkhadan and the applicant, Shankar Bihari assaulted the complainant by fist and the applicant, Durga Prasad @ Karan assaulted the complainant by way of knife on his neck. Thereafter, when the complainant fell down, the accused fled away.
3. Learned counsels for the applicants would submit that the applicants have been falsely implicated in this case. They would further submit that, the applicant Durga Prasad has not been named in the FIR. They would further submit that considering the nature of the injury it can not be stated that there was intention to kill. Learned counsel appearing on behalf of applicant, Shankar Bihari would submit that the complainant has compromised the matter and has not objected the bail before the Trial Court. Therefore, the counsels prays that they applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the statement of the complainant, Somnath and the injury report. Taking into the statement and the fact that charge sheet in this case has been filed and further taking in to the nature of the injury, without any observation on merits at this stage, this Court is of

the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge