

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4007 of 2016

1. Vijay, S/o. Shri Shivcharan, aged about 46 years,
2. Samudri Bai, W/o. Shri Vijay, aged about 42 years,
3. Rajan Kumar, S/o. Vijay, aged about 19 years,

All belonging the Caste by Harijan, R/o. Village-Deonagar, P.S. Surajpur, Tahsil – Ramanujnagar, Civil and Revenue District – Surajpur (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through : its Police Station Incharge - Surajpur, District – Surajpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Suresh Pandey, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate.

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.152/2016, registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Section 294, 506, 323, 341, 324, 326, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.03.2016, the complainant Rajesh while going to his house at that time, the applicant met him and thereafter, started assaulting, which was intervened by Basanti and she was also assaulted by means of Axe and Tabble. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants were not aggressor and in-fact wife of the Rajesh, complainant

came to the house of the present applicants along with son and attacked in the house of the applicants and the scuffle took place. It is further submitted that the injured were not hospitalized for any period of time, which would show that injuries were not grievous in nature. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 20.05.2016, therefore, 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 statement of the injured Rajesh and Basanti Bai as also the medical report. Considering the nature of injuries and the fact that charge sheet has been filed and the applicants are in jail since 10.05.2016, 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