

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4367 of 2016**

1. Ramkushal, S/o. Bakhari Suryawanshi, Aged About 35 Years, (wrongly mentioned as Barwari).
2. Guddu @ Shidayal, S/o. Gajanand Suryawanshi, Aged About 35 Years,

Both R/o. Jatiya Talab, Jarhabhata, P.S. Civil Line, Tahsil & District Bilaspur, Chhattisgarh.

**---- Applicants**

**Versus**

State Of Chhattisgarh, Through P.S. Civil Line, District Bilaspur, Revenue District Bilaspur, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. Raj Kumar Gupta, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**19.09.2016**

1. This is the second 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.1038/2004 registered at Police Station- Civil Line, Tahsil & District Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 452/149, 302/149, 323/149 of Indian Penal Code.
2. As per the prosecution case, the applicants were initially tried in the aforesaid crime wherein the applicants were acquitted by an order dated 10.08.2006 against that the complainant Badri Prasad Garhewal preferred a Revision bearing CRR No.618/2006 wherein again re-trial is ordered and consequently the applicants have been arrested and Ramkushal is in jail since 11.03.2016 and Guddu @ Shivdayal is in jail since 27.02.2016.

3. Learned counsel for the applicants would submit that the applicants have not tampered the evidence and earlier they have examined and after their acquittal since the revision was allowed, the applicants have been arrested. He further submits that this is the second bail application, the earlier bail application was dismissed because the applicants could not handover all the documents to their counsel as there was some miss-communication; therefore, under the facts and circumstances of the case, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The record also shows that the applicants were earlier acquitted by the trial Court on 10.08.2006. Subsequently, a revision having been filed, the same was allowed and re-trial was ordered in CRR No.618/2006 and the applicants have been arrested. Taking into the facts and circumstances of the case and the fact that the applicants are being tried and it appears that no further investigation is necessary, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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