

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5751 of 2016

1. Lankesh Porte S/O Mashlekar Porte Aged About 19 Years R/O Village Biladi Indra Aawas Para, Police Station Newra, District Raipur, Chhattisgarh.
2. Durgesh Porte S/O Mashlekar Porte Aged About 20 Years R/O Village Biladi Indra Aawas Para, Police Station Newra, District Raipur, Chhattisgarh.
3. Santosh Porte S/O Shrawan Porte Aged About 48 Years R/O Village Biladi Indra Aawas Para, Police Station Newra, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Newara, District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-09-2016

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 on 10-4-2016 in connection with Crime No. 103 of 2016, registered at Police Station Nnewra, District Raipur (CG) for the offence punishable under Sections 307, 323, 324, 325 & 34 of the IPC.
2. As per prosecution case, on 8-4-2016 some dispute took place in a village as the complainant stated that nobody should drink liquor in place of Jawara and on such issue the applicants assaulted victims Kamlesh and Jayta Porte by way of club and knife and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in this case. Injured witnesses Kamlesh and Jayta Porte have been examined in this case and they have

not supported the prosecution case. He would further submit that the charge-sheet has been filed in this case, the applicants are in jail since 10-4-2016 and no further investigation is required, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the injured witnesses have been examined in this case and they have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the injured witnesses which would show that they have not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the injured witnesses who have not supported the prosecution case, without any observation on the merit of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju