

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6043 of 2016**

1. Basant S/o Tihari Yadav Aged About 45 Years, R/o Village Devri (Karhi), Police Station & Tehsil Mungeli, District Mungeli, Chhattisgarh.
2. Goverdhan @ Manijar S/o Dhruv Yadav Aged About 55 Years R/o Village Devri (Karhi), Police Station & Tehsil Mungeli, District Mungeli, Chhattisgarh.

**---- Applicants**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Mungeli, District Mungeli, Chhattisgarh.

**---- Respondent**

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For applicants - Shri H.S. Ahluwalia, Advocate.  
For Respondent/State – Shri Anil S. Pandey, G.A.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**2/11/2016**

1. Both the bail applications i.e. present bail application bearing M.Cr.C. No. 6043/2016 and another bail application placed at Sr. No.5 bearing M.Cr.C. No.5432/2016 are heard together since both the bail applications arises out of the report and counter report.
2. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 12/07/2016 vide M.Cr.C. No.3575/2016.
3. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.126/2016 registered in Police Station Mungeli, Distt. Mungeli for offence punishable under sections 147, 148, 149, 294, 506, 323, 324, 325 & 326 of Indian Penal Code & 25/27 of Arms Act.
4. As per the prosecution case, on 3/03/2016 a quarrel took place between the complainant Raj Kumar Yadav and others and the applicants

due to previous dispute which was existing and the applicants attacked Gorelal and others by sword, axe and club as a result of which Jhumuk, Kirtan, Rajkumar and Gorelal sustained injuries and thereby the aforesaid offence was committed.

5. Learned counsel for the applicants submits that compromise has been affected between the parties and both the parties are neighbours and therefore without further going into merits of the case, pre-trial detention may not be required, therefore the applicants may be released on bail.

6. Shri Vinay Pandey, counsel who is appearing on behalf of the complainant in M.Cr.C. No.5432/2016 also do not dispute the fact that both the parties have entered into settlement.

7. Learned State counsel opposes the prayer for grant of bail.

8. Considering the facts and circumstances of the case and also for the fact that compromise has been affected between the parties, considering the development in case, therefore in the opinion of this court no further pre-trial detention or custodial interrogation may be required, this court is inclined to release the applicants on bail.

9. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE