

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6298 of 2016

1. Ram Lal Yadav S/O Butau Ram Yadav Aged About 45 Years R/O Ward No. 4 Idgahpara, Sakti, Tahsil Sakti, District - Janjgir - Champa Chhattisgarh
2. Raja Yadav S/O Ram Lal Yadav Aged About 22 Years R/O Ward No. 4 Idgahpara, Sakti, Tahsil Sakti, District - Janjgir - Champa Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through : Police Station Sakti, Tahsil Sakti, District - Janjgir - Champa Chhattisgarh

---- Respondent

For Applicants : Mr. Vipin Punjabi, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-10-2016

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 on 8-9-2016 in connection with Crime No. 221 of 2016, registered at Police Station Sakti, District Janjgir-Champa (CG) for the offence punishable under Sections 294, 506 (B), 323, 326, 324, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 2-8-2016 at 9.45 pm., a dispute took place between complainant Safiq Ahmad and present applicants and other co-accused person Mubarak Ali over installation of transformer, at that time, altercation started and dispute aggravated, present applicants assaulted Asfaq Ahmad and Shabnam Bano whereby they sustained severe injuries and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, main allegations of

assault of axe have been attributed to other co-accused Mubarak Ali who caused severe injuries to Asfaq Ahmad and Shabnam Bano and the injuries caused by the present applicants are simple in nature. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 8-9-2016 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.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of one of the injured Shabnam Bano wherein main allegations of assault of axe have been attributed to other co-accused Mubarak Ali and it is stated that the present applicants used rod and club.
7. Taking into consideration the facts and circumstances of the case, considering the medical report and further considering the nature of injuries sustained by the complainants and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 8-9-2016, 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