

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 6693 of 2016**

1. Ramji, S/o. Sukhram, aged about 58 years,
2. Harish Chand @ Hari Chand, S/o. Ramji, aged about 34 years,
3. Mohit, S/o. Hinglu, aged about 35 years,
4. Raju Yadu, S/o. Mohit, aged about 19 years,

All are R/o. Surajpura, Tahsil – Bhatapara, District – Baloda Bazar-  
Bhatapara (C.G.)

**----Applicants**

**Versus**

1. State of Chhattisgarh, Through : the Police Station House Officer –  
Bhatapara (Gramin), Post Office – Bhatapara, District – Baloda Bazar-  
Bhatapara (C.G.)

**---- Respondent**

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| For Applicants       | : Mr. Deepak Jain, Advocate           |
| For Respondent/State | : Mr. Avinash K. Mishra, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**02/11/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.233/2016, registered at Police Station – Bhatapara (Gramin), District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 294, 506, 323, 307/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 21.08.2016, a dispute arose over vacating the house and the applicants assaulted Shambhu, Madan and Manharan. Thereby the offence has been committed.

3. At the very outset, the learned counsel for the applicants seeks permission of this Court to withdraw the instant bail application in respect of the applicant No.1, Ramji and applicant No.2, Harish Chand @ Hari Chand.
4. Accordingly, the bail application filed under Section 439 of Cr.P.C. in respect of the applicant No.1, Ramji and applicant No.2, Harish Chand @ Hari Chand is dismissed as withdrawn.
5. Learned counsel for the applicants submits that the injuries are not grievous in nature and they were only hospitalized from 22.08.2016 to 26.08.2016. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 22.08.2016 and there is no intention to kill, therefore, the counsel prays that the applicants may be enlarged on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. I have heard learned counsel appearing for the parties.
8. Perused the case diary, documents as also the statements of Shambhu, Madan & Manharan. Further taking into the medical report, the nature of injury and the fact that charge-sheet in this case has been filed and the applicants No.3 & 4 are in jail since 22.08.2016, this Court is of the opinion that present is a fit case, in which, the applicants No.3 & 4 should be enlarged on regular bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of the applicant No.3, Mohit and applicant No.4, Raju Yadu is allowed.

10. It is directed that applicant No.3, Mohit and applicant No.4 Raju Yadu 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.
11. Certified copy as per rules.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge

Balram