

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6750 of 2016

1. Lovkumar Patel S/o Sitaram, Aged About 20 Years R/o Mangal Bazaar, Chhawani, Police Station Jamul, Tahsil & District Durg, Chhattisgarh.
2. Yashwant Kumar, S/o Sitaram Patel, Aged About 25 Years R/o Mangal Bazaar, Chhawani, Police Station Jamul, Tahsil & District Durg, Chhattisgarh.
3. Ashok Kumar S/o Mahendra Bhardwaj, Aged About 25 Years R/o Mangal Bazaar, Chhawani, Police Station Jamul, Tahsil & District Durg, Chhattisgarh.

---- **Petitioners**

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, Chhattisgarh. (Police Station Jamul)

---- **Respondent**

For Applicant	:	Mr. Rajnish Singh Baghel, Advocate
For Respondent/State	:	Mr. Arvind Shukla, Panel Lawyer

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 for grant of regular bail to the applicant who has been arrested on 3-9-2016 in connection with Crime No. 451 of 2016, registered at Police Station Jamul, District Durg (CG) for the offence punishable under Sections 294, 323, 327, 506, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 2-9-2016 when the victim along with his friends was coming back from the factory, at that time the Truck was blocking the road and was not giving the side. The applicants, who were in the Truck, were asked to give the side, at that time the applicants alighted from the said truck, took away Rs.5000/- & one mobile phone from him and thereafter assaulted him and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the incident took place on the road and there is no intention to cause injury to the victim. The applicants have been falsely implicated and the victim along with his friends assaulted the present applicants. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 3-9-2016 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 and medical report of the victim.
7. Taking into consideration the facts and circumstances of the case and further considering the statement and medical report of the victim and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 3-9-2016, this court is inclined to release the applicant son 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