

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7612 of 2016

1. Ganesh Gada S/o Mohan Gada Aged About 25 Years R/o Salhewar Para, Post Office & Police Station Dhamtari, District Dhamtari, Chhattisgarh.
2. Vijay Gada S/o Ghasi Ram Gada Aged About 24 Years R/o Salhewar Para, Post Office & Police Station Dhamtari, District Dhamtari, Chhattisgarh.
3. Ajay @ Vikram Gada S/o Ghasi Ram Gada Aged About 26 Years (Wrongly Mentioned The Father Name Of The Applicant No.3 As Gannu Gada In The Rejection Order) R/o Salhewar Para, Post Office & Police Station Dhamtari, District Dhamtari, Chhattisgarh.
4. Sanjay Baghel (Gada) S/o Ghasi Ram Gada Aged About 24 Years R/o Salhewar Para, Post Office & Police Station Dhamtari, District Dhamtari, Chhattisgarh.

---- **Petitioners**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh.

---- **Respondent**

For Applicants : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 28-8-2016 in connection with Crime No. 290 of 2016, registered at Police Station City Kotweali, Dhamtari, District Dhamtari (CG) for the offence punishable under Sections 147, 186, 294, 506, 332, 353 & 307/34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Jadish Mirdha that on 28-8-2016, when he along with his staff went to investigate in crime No. 288 of 2016, he saw that the applicants

were selling liquor and while the liquor was being seized, the applicants became enraged and assaulted them and thereby tried to kill them.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in this case and only abrasion and contusion have been reported in the medical report. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 28-8-2016 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 and also the medical report.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the medical report and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 28-8-2016, I am inclined to release the applicants on bail.
7. 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