

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8221 of 2016

1. Bhim Sahu, S/o. Chhattu Ram Sahu (wrongly written as Fattu Ram Sahu), Aged About 50 Years, Caste Sahu, R/o. Boirdih, Tahsil & Police Station Sakti, District Janjgir- Champa, Chhattisgarh.
2. Gend Ram, S/o. Thakurram, Aged About 60 Years, Caste Sahu, R/o. Boirdih, Tahsil & Police Station Sakti, District Janjgir- Champa, Chhattisgarh.
3. Bhisham, S/o. Gendram, Aged About 40 Years, Caste Sahu, R/o. Boirdih, Tahsil & Police Station Sakti, District Janjgir- Champa, Chhattisgarh.
4. Shambhu, S/o. Ramsai, Aged About 60 Years, Caste Sahu, R/o. Boirdih, Tahsil & Police Station Sakti, District Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through The District Magistrate, Janjgir-
Champa, Chhattisgarh

---- Respondent

For Applicants : Mr. Ishwar Jaiswal, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2016

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 in connection with Crime No.288/2016 registered at Police Station- Sakti, District Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506-B, 323, 325, 326/34 of Indian Penal Code.
2. As per the prosecution case, on 24.11.2016, a report was made by one Pramila Sahu, wife of the injured, that the present applicants

assaulted her husband by way of bamboo stick, iron rod and wooden plank, thereby, he sustained grievous injuries.

3. Learned counsel for the applicants would submit that in-fact earlier to that date of incident, against the injured, the applicants have made a report for assault and the injured was arrested and thereafter while he came back, the incident happened. He further submits that the charge sheet has been filed and no further investigation would be necessary, therefore, considering the nature of allegation and the injury caused, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of the victim and the medical report. Considering the statement and the nature of injury and further considering the fact that the charge sheet has been filed and all the offences are triable by the J.M.F.C. and the applicants are in jail since 24.11.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge