

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 160 of 2017

1. Ratan Nayak, S/o. Radha Mohan Nayak, Aged About 19 Years.
2. Navin Tandi, S/o. Deshraj Tandi, Aged About 18 Years.

Both are R/o. Kali Nagar, Near Valtier Gate, Fafadih, Post Office- Raipur, Police Station- Devendra Nagar, Tahsil & District- Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Ganj, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/01/2017

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.359/2016 registered at Police Station Ganj, District Raipur (C.G.) for the offence punishable under Sections 294, 506(B), 323 & 327/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 12.10.2016 the complainant was sleeping before Maa Bamleshwari Mandir, at that time, the applicant alongwith Gopi Nayak came there and demanded money for liquor, which was refused and on such refusal, the complainant was assaulted by way of Brick on his head and also by hand & fist. Thereby, the offence has been committed.

3. Learned counsel for the applicants would submit that false allegations have been attributed and the complainant have entered into a compromise. It is further submitted that the complainant has filed an application for no objection for bail of the present applicants and the charge sheet in this case has been filed, therefore, 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 and the documents. Considering the facts and circumstances of the case, nature of allegation and taking into fact that the complainant has filed an application before the Trial Court for compromise, 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