NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 458 of 2017

1. Dayashankar S/o Naresh Kumar Yadav Aged About 20 Years Caste- Ahir, R/o Village Bedami, Leduvapara, Police Station Ramkola, Tahsil Pratappur, District Surajpur, Chhattisgarh.
2. Kamlesh S/o Shiv Kumar Yadav Aged About 30 Years Caste- Ahir, R/o Village Bedami, Leduvapara, Police Station Ramkola, Tahsil Pratappur, District Surajpur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ramkola, District Surajpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-02-2017

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 on 15-9-2016 in connection with Crime No. 26 of 2016, registered at Police Station Ramkola, District Surajpur (CG) for the offence punishable under Sections 147, 148, 149, 294, 506, 323 & 307 of the IPC.

2. Case of the prosecution, in brief, is that on 12-7-2016 over taking possession of the land, applicants and complainant entered into dispute and both parties assaulted each other whereby case and counter case registered. During such quarrel, Kamal Das, Kanta Prasad and Krishna Kumar Yadav were injured and the injuries were enough to cause death and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, they have not been named in the first information report and the main allegation of assault is not on the present applicants and only general allegations have been attributed due to previous enmity. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 15-9-2016 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, documents and statements of the injured witnesses.

6. From perusal of the first information report, it appears that present applicants were not named in the FIR.

7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that the applicants were not named in the first information report and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 15-9-2016, this court is inclined to release the applicants on 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