

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 479 of 2017

1. Dashrathram, S/o. Ramdhani, Aged About 55 Years.
2. Sunil Kumar, S/o Dashrath Ram, Aged About 18 Years.

Both are R/o. Chenia, Police Station- Ramanujganj, District-Balrampur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Chowki- Vijaynagar, Police Station- Ramanujganj, District-Balrampur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Rajeev Shrivastava, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/02/2017

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 in connection with Crime No.183/2015 registered at Police Chowki- Vijaynagar, P.S. Ramanujganj, District Balrampur (C.G.) for the offence punishable under Sections 307, 294/34 of Indian Penal Code.
2. As per the prosecution case, on 19.11.2015 the present applicants are said to have assaulted the injured Vimal Kumar Dubey and Chandrika and both the persons are said to have received head injury. However, on perusal of the record, it reflects that there was a case and counter case on either side and the case which was lodged by the present applicants was registered prior to the registration of the FIR in the present case. Further, in the counter case, the injured persons Vimal Kumar Dubey and Chandrika and other persons have also been made accused persons who have

been granted bail by this Court. Perusal of the record further ensures that a boundary dispute was existing between the parties on account of which, the quarrel took place and it was a free fight wherein both sides have received injuries.

3. Considering the facts and circumstances of the case especially the fact that the charge sheet has been filed and the applicants are in jail since 27.09.2016, this Court is of the considered view that strong case is made out for grant of bail to the applicants.
4. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
5. It is directed that the applicants shall be released on bail on each of them 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/-
(P. Sam Koshy)
Judge

Rao