

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 554 of 2017

1. Manoj Jaiswal S/o Ghansyam Jaiswal Aged About 29 Years R/o Ashok Nagar Atal Awas, E- 3, Police Station Sarkanda, District- Bilaspur, Chhattisgarh.
2. Sanju Jaiswal S/o Ghansyam Jaiswal Aged About 24 Years R/o Ashok Nagar, Near Pani Tanki, Police Station Sarkanda, District Bilaspur, Chhattisgarh. **--- Applicants**

Versus

- State of Chhattisgarh through The Police Station- Sarkanda, District- Bilaspur, Chhattisgarh. **--- Respondent**

For Applicants : Mr. Atanu Ghosh, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

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 has been arrested in connection with Crime No.461/2016 registered at Police Station Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 294, 323, 506, 307 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 14.07.2016 while the injured Gopal Yadav and Vijay were working in a road side Hotel, at that time, the present applicants alongwith others came there and assaulted Gopal & Vijay, thereby they sustained severe injuries, which were enough to cause death.
3. Learned counsel for the applicants would submit that the quarrel took place when the possession of hotel is forcibly taken over and there was no intention to kill and the nature of injury is also not fatal. He further submits that similarly placed co-accused Divyaraj Singh has been enlarged on bail by this Court in M.Cr.C.No.

8206/2016 on 02.01.2017 relating to the same crime number, therefore, the applicants may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. However, he do not dispute the fact that the person against whom similar allegations were levelled has been enlarged on bail by this Court.
5. Perused the case diary, documents and also the medical report. Taking into the documents, nature of injury and statement of the victims and further considering the fact that the charge sheet has been filed; the applicants are in jail since 01.10.2016 as also the fact that similarly placed co-accused Divyaraj Singh has been enlarged on bail by this Court in M.Cr.C.No.8206/2016, I am inclined to allow this bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in 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