

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 649 of 2017

1. Soni Yadav, S/o. Manoj Yadav, aged about 25 years, R/o. Thagda Nahar in front of Gowra Chowk Padmanabhpur, Tehsil and District – Durg (C.G.) (wrongly mentioned Raipur in impugned order.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, District – Durg (C.G.)

---- Respondent

AND

M.CR.C. No. 771 of 2017

1. Pintu Yadav, S/o. Manoj Yadav, aged about 22 years, R/o. Thagda Nahar, in front of Gowra Chowk, Padmanabhpur, Tehsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, District – Durg (C.G.)

---- Respondent

For Applicants : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/02/2017

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.805/2016, registered at Police Station – Durg, District – Durg (C.G.) for the offence punishable under Section 307, 323, 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on 31.10.2016 while Gagan Chauhan and Ajay were sitting in the railway track it was objected by the applicants and other co-accused, therefore, altercation aggravated and one of the co-accused has assaulted by way of knife on the buttocks of Gagan Chauhan and Ajay when he wanted to intervene, he was also assaulted. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and the main allegations are attributed to one Ram Yadav. He further submits that initially in the M.L.C., the applicants were not named, subsequently, they were named. It is further submitted that charge-sheet in this case has been filed and no further investigation is necessary, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the injury report. The seizure of knife was from Ram Kumar @ Ram Yadav and as against the present applicants the allegation of assault by way of club, hand and fists were made. Considering the role played by the applicants and the fact that charge-sheet in this case has been filed and they are in jail since 01.11.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge