

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1003 of 2017

1. Krishana @ Kishan Gilhare, S/o. Bisan Gilhare, Aged About 55 Years,
2. Minichand Gilhare, S/o. Krishana @ Kishan Gilhare, Aged About 26 Years, R/o. Village- Baronda, Police Station- Kharora, Raipur, Chhattisgarh.

----Applicants

Versus

1. State Of Chhattisgarh, Through : Police Station- Kharora, Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vikram Singh, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/03/2017

1. This is the first bail application 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.300/2016, registered at Police Station – Kharora, Raipur, District – Raipur (C.G.) for the offence punishable under Section 294, 323, 506, 307, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 15.09.2016 during the dance programme competition of Ganesh festival, the complainant – Gangadhar and applicants along with other co-accused entered into an altercation thereby the complainant was assaulted by hand and fist by the present applicants and one another co-accused Ganesh assaulted the complainant by way of sickle. Thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the allegation of assault by hand and fist is attributed to the present applicants and the main allegation of assault is attributed to other co-accused Ganesh. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 16.09.2016, therefore, the counsel prays that 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 statement of the victim. Considering the nature of allegation attributed to the present applicants and the dying declaration and further taking into the fact that charge-sheet in this case has been filed and the applicants are in jail since 16.09.2016, 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 application filed under Section 439 of the Cr.P.C. is 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge