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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6079 of 2017**

1. Rajesh Diwaker S/o Sadharu Ram Diwaker, Aged About 27 Years Caste Satnami, R/o Taulidih, Police Station Bilaigarh, District Balodabazar, Chhattisgarh, Civil & Revenue District Balodabazar-Bhatapara, Chhattisgarh
2. Rakesh Diwaker S/o Shri Sadharu Ram Diwaker, Aged About 20 Years R/o Taulidih, Police Station Bilaigarh, District Balodabazar, Chhattisgarh, Civil & Revenue District Balodabazar-Bhatapara, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For the Applicants : Shri Ankur Agrawal, Advocate.
 For the Respondent/State : Shri U.K.S. Chandel, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.11.2017**

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.58 of 2017, registered at Police Station – Bilaigarh, District – Baloda Bazar, Chhattisgarh for the offence punishable under Section 307/ 34 of the Indian Penal Code and Section 25 of the Arms Act.

2. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in this case. The case has been investigated and the charge-sheet has been filed. The main witness in this case have been examined and declared hostile by the prosecution. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that in this case the complainant had suffered 10 injuries on account of assault made by the applicants. Hence, for these reasons, the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the submissions made and the contents of the case diary, and specifically considering the medical report of the complainant and the statement of complainant - Guharam before the Court in which he has turned hostile and also looking to the nature of case, if the applicants are kept in detention for the whole period of trial this will not serve any purpose, this application deserves to be allowed.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge