

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8071 of 2016

1. Depak Verma S/o Hriday Verma Aged About 23 Years R/o Rameshwar Nagar Bhanpuri Khamtarai Police Station Khamtarai District Raipur Civil And Revenue District Raipur Chhattisgarh
2. Jitendra Sahu S/o Mantram Sahu Aged About 23 Years R/o Rameshwar Nagar Bhanpuri Khamtarai Police Station Khamtarai District Raipur Civil And Revenue District Raipur Chhattisgarh

---- Petitioners

Versus

1. State of Chhattisgarh Through Police Station Khamtarai, District Raipur Chhattisgarh
2. Govind Kaushal S/o Ganesh Kaushal Aged About 23 Years R/o Rameshwar Nagar, Police Station Khamtarai Bhanpuri District Raipur Chhattisgarh
3. Manoj Patwa S/o Punit Patwa Aged About 30 Years R/o Rameshwar Nagar Police Station Khamtarai Bhanpuri District Raipur Chhattisgarh

---- Respondents

For Applicants	:	Mr. Ajay Mishra, Advocate
For Respondent/State	:	Mrs. Sunita Jain, Panel Lawyer
For objectors	:	None

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-02-2017

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 on 30-10-2016 in connection with Crime No. 476 of 2016, registered at Police Station Khamtarai, District Raipur (CG) for the offence punishable under Sections 294, 323, 506-B, 327, 34 of the IPC.
2. As per prosecution case, on 30-10-2016 a report was made by the complainant Govind Kaushal that the applicants in order to play

gambling demanded money from the complainant Govind Kaushal and having refused the applicants along with other co-accused assaulted him by way of stone on his head and when another person tried to intervene, he was also assaulted by hands and fists and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that no allegations have been attributed to the present applicants and main allegation of assault by way of stone is on Jagga @ Jaggu and only allegations of assault by hands and fists have been attributed to the present applicants. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 30-10-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. No representation is made on behalf of the objectors even when the case is called in second round.
6. I have heard learned counsel for the parties, perused the case diary and documents.
7. Perused the statements of the injured and also medical report. It appears that main allegation of assault by way of stone is attributed to other co-accused Jagga @ Jaggu.
8. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the statements of the injured and also the fact that charge-sheet in this case has been filed and the applicants are in

jail since 30-10-2016, this court is inclined to release the applicants on bail.

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

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju