

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1042 of 2017

1. Netram, S/o. Puniram Sahu, Aged About 50 Years,
 2. Bahartin Bai, W/o. Netram Sahu, Aged About 48 Years,
 3. Phir Bai, W/o. Netram Sahu, Aged About 40 Years,
 4. Tikaram, S/o. Netram Sahu, Aged About 28 Years.
 5. Laxmin, W/o. Tikaram Sahu, Aged About 25 Years,
 6. Devprasad, S/o. Ramratan Sahu, Aged About 19 Years,
- R/o. Village- Nawapara (Pandripani), Police Station- Bilaigarh, District
Balodabazar- Bhatapara, Chhattisgarh.

----Applicants

Versus

1. State Of Chhattisgarh, Through: Station House Officer, Police of Police
Station- Bilaigarh, District- Baloda Bazar – Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. A.S. Rajput, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2017

1. This is the third 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.367/2016, registered at Police Station – Bilaigarh, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 147, 148, 149, 294, 506-B, 307 of Indian Penal Code. The earlier bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet vide order dated 19.12.2016.

2. As per the case of the prosecution, in brief, is that on 25.10.2016 a report was made by the Kavita Sahu, complainant that over a family dispute while the applicant No.1 wanted to sale out the paddy altercation started as the husband of the complainant, Sunil Kumar objected to sale the paddy, thereafter, the dispute aggravated and the complainant and her husband were assaulted by way of club, which were enough to cause their death by the applicants. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that this is third bail application. The earlier bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet and now the charge-sheet has been filed and no further investigation is necessary. It is submitted that the dispute is in between the family members and there was no intention to kill and the applicants are in jail since 24.10.2016, 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, statement of the victim- eye-witnesses and the medical report. Taking into the background of this case, it appears that in between the family members dispute arose in respect of some partition. Taking into totality and considering the facts and circumstances of the case, 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

Balram