

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 515 of 2018

1. Anil Kumar Rathore S/o Byas Narayan Rathore, Aged About 27 Years, R/o Village Bhalpahri, Thana Kusmunda, District Korba, Chhattisgarh District : Korba, Chhattisgarh
2. Bhola Prasad Tiwari S/o Kaamata Prasad Tiwari, Aged About 26 Years, R/o Village Bhalpahri, Chauki Hardibazar, Thana Kusmunda, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Chauki Hardibazar, Police Station Kusmunda, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicants – Shri Vikas Pandey, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 16-07-2017 in connection with Crime No.123/2017 registered at Police Chauki Hardibazar, Police Station Kusmunda, District Korba, Chhattisgarh for the offence under Section 307, 324, 294, 506B, 342 read with Section 34 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 16-07-2017. Charge sheet has been filed after completion of the investigation and the case is pending before the trial Court. No case is made out against these applicants. Hence, it is prayed that they may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that, on 15-07-2017 both the applicants abused, threatened

and assaulted Santosh Yadav with club, rod and knife, it was at that time brother of this injured, namely, Sanjay Yadav came to intervene and he was also assaulted and caused injury. After lodging of the FIR, offences have been registered against both the applicants.

6. Considered on the entire material present in the case diary. According to the medical report, complainant Santosh Yadav has suffered two lacerated wounds and no bony injury was found in the X-ray report, whereas, injured Sanjay Yadav suffered two incised wounds and three lacerated wounds and no bony injury was found on his body. There is no such report of the examining doctor so far that any of the injuries caused to any of the injured was sufficient to cause death in ordinary course of nature. Presently, the case is before the trial Court and the trial is likely to take some time before its conclusion. Hence, for these reasons, I am of this view that both the applicants should be released on bail during pendency of the trial against them.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge