

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1196 of 2018**

1. Ramnihora Chandrakar, S/o. Shri Ramsahay Chandrakar, Aged About 50 Years, Village- Ghorpendri, Thana- Pandatarai, Tahsil- Pandariya, Civil and Revenue District- Kabeerdham (C.G.).
2. Ramprasad Chandrakar, S/o. Shri Ramsahay Chandrakar, Aged About 47 Years, Village- Ghorpendri, Thana- Pandatarai, Tahsil- Pandariya, Civil and Revenue District- Kabirdham (Chhattisgarh).

---- Applicants

Versus

The State Of Chhattisgarh, Through- The Station House Officer, Police Station -Pandatarai, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sumit Shrivastava, Advocate
For State/respondent	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/04/2018**

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.93/2017, registered at Police Station – Pandatarai, District – Kabeerdham (C.G.), for the offence punishable under Section 147, 148, 149, 294, 323, 506, 307 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 25.11.2017. No case is made out against them. Charge-sheet in this case has been filed after completion of investigation. It is also submitted that in-fact a free fight have been taken place in which one of the persons from the applicants' party suffered fatal injuries and has died, because of which, the complainant and others have been arrayed as an accused in the FIR lodged by the applicants' side. Similarly placed co-accused persons have been granted bail by this Court, hence, it is prayed that the applicants may also be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, applicants along with other co-accused persons formed an unlawful assembly armed with clubs hurling abuses and threatened the complainant – Vikash Chandrakar and assaulted Shiv Kumar, Lilwa, etc. causing injuries to them. Hence this case,
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present in the case diary, it is observed that similarly placed co-accused persons have been granted bail by this Court and no difference can be pointed out in the case of these applicants, hence for this reason, 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram