

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2430 of 2018

1. Manoj Chelak And Ors. S/o Shri Bhagwan Das Chelak Aged About 39 Years R/o- Village Neurdih, Police Statin Dharsiwa, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Sanat Chelak S/o Shri Bhagwan Das Chelak Aged About 32 Years R/o- Village Neurdih, Police Statin Dharsiwa, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Rohit Chelak S/o Shri Bhagwan Das Chelak Aged About 20 Years R/o- Village Neurdih, Police Statin Dharsiwa, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through- The Police Station Dharsiwa, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Mrs. Mandavi Bharadwaj, Advocate.
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/05/2018

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 in connection with Crime No.113/2018, registered at Police Station– Dharsiwa, District– Raipur(C.G.) for the offence punishable under Sections 294, 323, 506, 307, 452, 34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 11.3.2018. After completion of investigation, charge-sheet has

been filed. No case is made out under Section 307 of IPC according to the material present in the charge-sheet. Hence, it is prayed that they may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, on 11.3.2018 because of some dispute between the applicants and the complainant side regarding the partition of family property, these applicants assaulted with clubs and rods and injured Sukwaro Bai, Balram Patle and Sunti Bai. Injured Sunti Bai had suffered injury on her head which was caused by crow-bar. Hence, this case.
6. As there is not such medical report that the injury caused on the head of the injured Sunti Bai was fatal in nature and that the case is presently before the trial Court, hence, no purpose would be served if the applicants are kept in detention till the conclusion of trial. For this reason, I am of this view, that this is a fit case where the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-to each 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