

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2359 of 2018**

Raja Ram Yadav, S/o. Kalu Charan, Aged About 21 Years, R/o- Vinoba Nagar,
Jala Ram Mixure Gali, P.S. Tarbahara, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, P.S. Tarbahara,
District- Bilaspur, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 2360 of 2018**

1. Nilesh Kaushik, S/o Balram Kaushik, Aged About 40 Years,
 2. Monu Kaushik, S/o. Bajram Kaushik, Aged About 38 Years,
- Both R/o.- Vinoba Nagar, P.S. Tarbahara, District- Bilaspur,
Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- The Station House Officer, P.S. Tarbahara,
District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Rajeev Kumar Dubey, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/03/2018**

1. Both the bail applications are heard and decided together by this
common order as they are arising out of the same crime number and

the incident.

2. These are the first bail applications 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.18/2018, registered at Police Station – Tarbahar Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 294, 323, 506, 324, 307/34 of the Indian Penal Code.
3. 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 20.01.2018. Charge-sheet has been filed after completion of investigation. The offence under Section 307 of Indian Penal Code registered against the applicants is not made out. It is submitted that the trial of the case is likely to take sometime for its conclusion. It is further submitted that co-accused – Laxman Yadav has been granted bail by this Court, hence, it is prayed that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that the injured Pradeep Kumar Gandharv was caused nine injuries with knife by the applicant – Raja Yadav. According to the report of examining doctor, two of these injuries could have been fatal, hence, no case is made out for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident at about 11 PM in the night because of some previous enmity, applicants along

with main accused Laxman Yadav engaged in fight with injured Pradeep Kumar Gandharva and others. It is alleged that the applicant Raja Yadav assaulted the injured Pradeep Kumar Gandharva with knife causing him 9 injuries and he also caused two injuries to another person on that basis FIR was lodged by complainant. Hence, this case.

7. Considered the submissions made and the contents of the case diary. The medical report of the injured Pradeep Kumar Gandharva shows only 9 incised wounds, no stab injuries was found. Although there is a query of the doctor shows that two of the injuries could have been fatal in nature but there is no such report that injury was sufficient to cause death in ordinary course of nature. Apart from that the injured was hospitalized for only two days, hence, looking to the circumstances and the pendency of trial against the applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. 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