

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2701 of 2018**

1. Ganesh Koshre, S/o. Itwari Koshre, Aged About 46 Years
 2. Mahesh Banjare, S/o. Bahur Singh, Aged About 34 Years
 3. Budharu Ram, S/o. Late Bahurin Lal, Aged About 40 Years
 4. Nageshwar Banjare, S/o. Dhaneshwar Banjare, Aged About 23 Years
 5. Anil Kumar, S/o. Ganesh Koshre, Aged About 19 Years
 6. Sanni Kumar, S/o. Ganesh Kumar Kosre, Aged About 20 Years,
- All are R/o Village Junwani, Out Post Jewra Sirsa, Police Station Pulgaon, Tahsil and District Durg Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : The District Magistrate, Durg District Durg Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ganesh Barman, Advocate
For State/respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/06/2018**

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.521/2017, registered at Police Station – Jewra Sirsa, Pulgaon, District – Durg (C.G.), for the offence punishable under Section 147, 148, 294, 506-B, 323, 307/34 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 12.12.2017. No case is made out against them. The offence under Section 307 of the Indian Penal Code is not at all made out

because the injured Birjha Bai, who has said to have suffered head injuries has suffered simple injuries according to the medical report and the charge sheet has been filed against these applicants. Therefore, it is prayed that the applicants may 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. It is submitted that it is case in which there are five injured persons, hence for these reasons, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the case of the prosecution, the complainant Khilawan Prasad has lodged FIR alleging that he had some previous dispute with the applicant Ganesh Koshre. On 09.10.2017 at about 9.30 PM, he heard commotion in lane and came out, he saw that the applicants persons armed with clubs, sticks and rods. It is alleged that all the accused persons abused Birjha Bai, the mother of the complainant and others with obscene words and also threatened to kill them. Later on they also assaulted the complainant and others with clubs and rods causing injuries to them. Birjha Bai suffered one injury on her head and one Nayan Das suffered grievous injuries. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering on all the entire material present in the case diary, further the medical examination of the Birjha Bai does not show any presence of fatal injuries, hence, after considering all the material present in the case diary, 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 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