

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4479 of 2018

1. Gore Tandi S/o Shri Dhanraj Tandi Aged About 24 Years R/o Ward No.08, Karrapara, Bagbahra, Thana And Tahsil Bagbahra, District- Mahasamund, Chhattisgarh
2. Jitendra Chouhan S/o Shri Govind Chouhan Aged About 26 Years R/o- Near Tahsil Office Bagbahra, Thana And Tahsil Bagbahra, District- Mahasamund, Chhattisgarh
3. Avanti @ Banti Tandi S/o Late Shri Radheshyam Tandi Aged About 24 Years R/o- Ward No.08, Karrapara, Bagbahra, Thana and Tahsil Bagbahra, District- Mahasamund, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through- The Police Station House Officer- Outpost- Tuhlu Thana- Komakhan, District- Mahasamund, Chhattisgarh

---- Respondent

For Applicant	Shri Deepak Jain, Advocate
For Respondent	Shri Ashok Swarnakar, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/07/2018

1. The applicants have preferred this first bail application under Section 439 of CrPC, as they are arrested in connection with Crime No.28/2018, registered at Outpost Tuhlu, Police Station Komakhan, District Mahasamund (C.G.), for the offence punishable under Sections 294, 323, 506, 34, 307/34 of IPC.

2. It is submitted that the applicants have been falsely implicated in the present case. The applicants are in jail since 08.03.2018. There is no material available for prosecution of the applicants under Section 307 of IPC. Hence, no case is made out against the applicants. The charge sheet has been filed after completion of the investigation.
3. On the other hand, learned State counsel opposes the bail application.
4. Heard learned counsel for the parties and perused the diary.
5. According to the prosecution case, on the date of incident, the applicants stopped complainant Peeluram Manjhi and demanded money for buying liquor. On his refusal, the applicants assaulted and injured him. Later on, Tejuram Thakur, Aibal and Bachan came to the spot and enquired from the applicants as to why they have assaulted Peeluram. At that occasion, a fight took place between both the parties, in which it is alleged that the applicant No.3 Avanti @ Banti Tandi assaulted Tejuram with a club on his head causing lacerated wound on the left parietal region.
6. Considering the materials present in the case diary, CT scan report of the injured Peeluram not showing any fatal injury, the fact that there is no criminal antecedents of the applicants and the trial is likely to take some time, I am of this view that it is a fit case for grant of bail to the applicants. Accordingly, the bail application is allowed and the applicants are directed to be

released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one surety for the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nirala