

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5544 of 2018

1. Ramlal Sahu, S/o. Late Shri Jagdev Sahu, Aged About 52 Years, Occupation- Agriculturist, Caste Teli,
2. Yad Ram, S/o. Ramlal, Aged About 27 Years,
Both R/o Village Chhote Khaira, Tahsil And Police Station Sarangarh, District Raigarh, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. Amiyakant Tiwari, Advocate
For Respondent	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

21/08/2018

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.24/2018, registered at Police Station- Sarangarh, District – Raigarh (C.G.) for the offence punishable under Section 294, 506, 307, R/w. Section 34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 04.06.2018 & 19.06.2018 respectively. No case is made out under Section 307 of I.P.C. against the applicants. Similarly placed co-accused persons Shyamlal Sahu and Babulal Sahu have been enlarged on bail by this Court in M.Cr.C. No.5239/2018 vide order dated 14.08.2018. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

It is submitted that the applicant No.2 is the main assailant in this case and also looking to the evidence present against these applicants, they are not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against these applicants is this that on the date of incident the applicants along with other co-accused persons joined hands to assault the injured Tularam Sahu intending to cause his death resulting in injuries on his head and other parts of the body. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and also taking into consideration the medical report, in which there is no opinion about the injury being of fatal in nature, this Court is of the opinion that present is a fit case, in which, these applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a 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