

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5861 of 2018**

1. Mukesh Kumar Chauhan S/o Bhojram Chauhan Aged About 35 Years
Caste- Ganda, Occupation-Labourer, R/o- Village Nauvranpur, Tahsil
And District- Raigarh, Chhattisgarh.
2. Bhojram Chauhan S/o Late Shri Guharam Chauhan Aged About 58
Years Caste- Ganda, Occupation-Labourer, R/o- Village Nauvranpur,
Tahsil And District- Raigarh, Chhattisgarh.

---- Applicants**Versus**

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

---- Non-applicant

For Applicant : Shri Ashish Gupta, Advocate.

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****31.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 119/2018 registered at Police Station – Kotra Road, District – Raigarh (C.G.) for the offence punishable under Sections 294, 506-B, 323, 307, 325/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 01.05.2018 near about 08:30 pm at Navrangpur, applicant Mukesh Chouhan by axe and applicant Bhojram

Chouhan by club caused injuries on the head of the applicant Gouri Shankar. When Ravi Shankar intervened, both the applicant also caused injury on his right cheek and forehead. When complainant Santoshi Chouhan intervened both the applicants also beaten her.

4. Learned counsel for the applicants submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedents against the applicants.

6. As per the injury report of Gouri Shankar one incised wound was found on the left parietal region. As per the MLC of Ravishankar one injury was found in his right forehead, two incised injuries were found in his face, his nasal bone was fractured. As per the MLC report of Sanotshi Bai abrasion and swelling were found on her body.

7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicants.

8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

9. It is directed that if each applicant furnishes one solvent surety for a sum of Rs.30,000/- along with a personal bond of like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE