

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6225 of 2018

1. Kshetramohan Yadav, S/o Kanek Ram Yadav, aged about 31 years,
2. Mansingh Yadav @ Naresh Yadav, S/o Kanek Ram Yadav, aged about 28 years,

Both R/o Village- Kumhdai Khurd, Post Office & Police Station- Devbhog, District- Gariyaband (C.G.).

--- Applicants

Versus

State of Chhattisgarh, Through- the Station House Officer, Police Station Devbhog, District- Gariyaband (C.G.).

---- Respondent

For Applicant	:	Mr. Shivendu Pandaya, Advocate
For Respondent	:	Mr. Vaibhav Goverdhan, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/09/2018

1. Counsel appearing on behalf of the applicants submits that he does not want to press this bail application on behalf of applicant No.1, and only press this application on behalf of applicant No.2.
2. This bail application is dismissed on behalf of applicant No.1 as not pressed.
3. Applicant No. 2 has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 66/2018 registered at Police Station- Devbhog, District- Gariyaband (C.G.) for the offence punishable under Sections 307/34 of the IPC.
4. As per prosecution story, one Arjun lodged a report in the police station to the effect that on the date of incident i.e. 05/06/2018 at about 9:00 am,

when the complainant and his mother had gone to agriculture field, the present applicants were playing the tractor on the disputed land. When the complainant tried to stop them, they did not stop. Shircharan, father of complainant was also present there. It is alleged that applicant No. 2 caught hold Shivcharan and applicant No.1 made assault by way of Favda and fled away. Shivcharan sustained multiple injuries on vital part of his body. On the basis of said report, offence has been registered. Both the applicants have been taken into custody on 05/06/2018

5. Learned counsel appearing on behalf of the applicant submits that the only allegation against applicant No. 2 is that at the time of incident he caught hold Shivcharan by hands, the main assault was made by applicant No.1. Applicant No. 2 is not assailant. He is in custody since 05/06/2018 and charge-sheet has been filed, therefore, he may be released on bail.
6. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
7. Considering the entire facts and circumstances of the case, particularly considering that the main assailant was applicant No.1 and applicant No.2 only caught hold Shivcharan by hands, without further commenting on merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge