

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.7869 of 2018**

Kailash S/o Bhaia Lal, Aged about 28 years, R/o Vill-Lainga, P.S.-
Udaypur, Dist.-Surguja (CG)

---Applicant

Versus

State of Chhattisgarh, Through Police Station Udaypur, District Surguja
(CG)

---Non-Applicant

And

M.Cr.C.No.7873 of 2018

Bhaialal S/o Sitaram, Aged about 55 years, R/o Vill-Lainga, P.S.-Udaypur,
Dist.-Surguja (CG)

---Applicant

Versus

State of Chhattisgarh, Through Police Station Udaypur, District Surguja
(CG)

---Non-Applicant

For Applicants	:	Mr.Jai Prakash Shukla, Advocate
For Non-Applicant	:	Mr.Adi Raj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

30/10/2018

1. Since the aforesaid two bail applications have been filed against the same crime number i.e., Crime No.31/2018, they are being disposed of by this common order.

2. These are the first bail applications 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.31/2018, registered at Police Station-Udaypur, District-Surguja (CG), for the

offence punishable under Sections 294, 506, 307, 323, 326/34 of the IPC.

3. Case of the prosecution, in brief, is that the applicants assaulted their near relative Udal Ram by iron rod in which he suffered grievous injuries which are sufficient to cause his death and thereby committed the offence.

4. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the injuries are simple in nature and they are in jail since 1.6.2018. Charge-sheet has already been filed.

5. On the other hand, learned counsel for the State would oppose the bail applications and submit that injuries caused to Udal Ram are grieves in nature which are sufficient to cause his death.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants, relationship between the parties, pre-trial detention of the applicants and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-