

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8009 of 2018

1. Kundan Sarthi S/o Shri Patetram, Aged About 20 Years, Caste Sarthi, R/o Dandpara, Police Station- Darri, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
2. Banshilal S/o Hirmat, Aged About 19 Years, by caste – Majhwar, R/o Dandpara, Police Station - Darri, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
3. Rajendra Singh S/o Shyam Singh, Aged About 24 Years, Caste – Gond, R/o Dandpara, Police Station - Darri, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh through Station House Officer, Police Station- Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Smt. Indira Tripathi, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-10-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicants for grant of regular bail. Their first bail application was dismissed as withdrawn. The applicants have been arrested on 15-04-2018 in connection with Crime No.118/2018 registered at P.S. - Katghora, District- Korba, Chhattisgarh for the offence under Section 294, 323, 506, 332, 186, 353, 307, 34 of IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 15-04-2018. No case is made out under Section 307 of the IPC. Hence, it is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that injured Chandraprakash is a Constable who was assaulted in this incident which shows the highhandedness of the applicants in assaulting a

public servant on duty, hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. It is alleged that on the date of incident complainant Constable Chandraprakash was on patrolling duty who saw the applicants quarreling with each other, when the complainant tried to intervene he was assaulted by applicant No.3 Rajendra Singh with spade causing injury on his head. The injury caused to Chandraprakash was coupled with fracture on skull. At the same time Gopal Sarthi was also assaulted and injured who also intervened in the incident. Hence, this case.

5. Considered on the entire material present in the case diary. As now the case is before the trial Court, there is no requirement of any further detention till conclusion of the trial against them and after due consideration, I am of the view that these applicants should be granted regular bail.

6. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge