

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 7825 of 2017

1. Lavang Sai S/o Ghursai, Aged About 20 Years R/o Village Rewatpur, P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, Chhattisgarh.
2. Kambhkaran @ Dhund S/o Chalan Ram, Aged About 22 Years R/o Village Rewatpur, P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh.
3. Ghursai S/o Agarsai, Aged About 50 Years R/o Village Rewatpur, P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, Chhattisgarh.

---- Respondent

For the applicant : Shri Jitendra Shrivastava,
Advocate

For the Respondent/State : Shri Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 78/2017, registered at Police Station – Rajpur, District – Balrampur- Ramanujgan, (C.G), for the offence under Section 294, 506, 307/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 01.11.2017, earlier when the offence was registered against the applicants, they were released on bail as bailable offences were registered against them. But later on, on the basis of report from Doctor offence under Section 307 of I.P.C has been added because of which the applicants have been taken in custody, no case is made out against these applicants, on the basis of the material present in the charge-sheet, hence, it is prayed that the applicants may be released on bail.
3. Learned counsel for the State opposes the bail application and submits that the victim in this case has received fatal injury in head by the applicants, therefore, they are not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident the victim - (Sohar Sai) had quarreled with applicant No.3 (Ghursai) because of which they man handled each other, thereafter, all the applicants at the time of incident using abusive words for the victim had assaulted him. On examination by doctor the victim was found to have suffered grievous injury a fracture on skull. Hence, this case.

6. Considered, considering on the report of the medical examination of the victim that no internal head injury was caused of the injured person. The applicants are the local residents of District- Balrampur- Ramanujganj, his availability before the trial Court can be secured by imposing proper conditions, his availability before the trial Court can be ensured, he is ready to abide by the conditions imposed upon him, this Court is of the opinion that this is a fit case where the applicants are entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them 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.

Sd /-
(Rajendra Chandra Singh Samant)
Judge

Jamal