

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7933 of 2017**

1. Hori Lal S/o Hemcharan Kashyap Aged About 58 Years R/o Village Munund, P. S. Janjgir, District Janjgir Champa Chhattisgarh.
2. Awadesh S/o Lochan Prasad Koushik Aged About 18 Years R/o Village Munund, P. S. Janjgir, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Janjgir, District Janjgir Champa Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vivek Singhal, Advocate.
For the Respondent/State	:	Shri Vinod, Tekam, P.L.
For the Complainant	:	Shri Gurudev I. Sharan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.02.2018**

1. This is the first bail application 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.348 of 2017, registered at Police Station Janjgir, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 323, 325 and 307 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 30.10.2017 and they have been falsely implicated in this case. The dispute between the applicants and the complainant has been settled. The deposition of Complainant – Dev Narayan has been recorded before the trial Court in which he turned hostile and not supported the case of the

prosecution. It is also submitted that it was a case of free fight in which the applicants also suffered injuries and on their information FIR was lodged and counter case has been registered against the complainant and others. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Learned counsel for the objector submits that the matter has been settled between the complainant and the applicants and apart from that, 7 other co-accused persons have been granted bail by the trial Court itself. Hence, the complainant has no objection if the applicants are granted regular bail.

5. Heard counsel for both the parties and perused the case diary.

6. On the date of incident, the applicants' party and the complainant's party engaged in fighting each other. It is alleged that the applicants and others assaulted Dev Narayan and Shobha Ram Kashyap. Dev Narayan suffered fracture in his left palm whereas Shobha Ram Kashyap suffered fracture in his skull bone. There is no report as to the nature of the injury caused to Sobha Ram Kashyap being fatal.

7. Considering the entire material present in the case-diary, the facts presented before this Court by the complainant and the applicants and the

matter is settled between both the parties, I am of the opinion that the present is a fit case where the applicants are entitled to be released on regular bail.

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

9. 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 trial Court, for their appearance as and when directed.

10. Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge