

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1429 of 2019

1. Aswani Sahu S/o Late Shri Fekuram Sahu, Aged About 40 Years, R/o Village Chatoud, Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Lav Kumar Sahu S/o Aswani Sahu, Aged About 18 Years, R/o Village Chatoud, Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Vidhansabha District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicants – Mr. Vikash Pandey, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-03-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 22-01-2019 in connection with Crime No.442/2018 registered at P.S. - Vidhansabha, District Raipur, Chhattisgarh for the offence under Section 294, 323, 506, 326 read with Section 34 of the IPC.

2. It is submitted on behalf of the applicants that these applicants have been falsely implicated in this case. They are in jail since 22-01-2019. No case is made out against them. The dispute has arisen because of some family reasons regarding partition of family property. These applicants had not inflicted any grievous injury to the victims of the case. Therefore, it is prayed that they may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that in the incident grievous injury has been caused to the victim of the case therefore, the applicants are not entitled for grant of regular bail

during pendency of the investigation.

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

5. As per the FIR lodged, on the date of incident these applicants and other co-accused came to the house of complainant Ishwari Jangade. After abusing her and threatening her all the accused persons dragged her out of the house and when her son came to intervene they assaulted and injured him. Grievous injury has been caused by hard and sharp object to Nikhil Jangade in this case.

6. After considering that the applicants are not required in any further investigation procedures, therefore no purpose would be served if they are kept in continuous detention, hence, for this reason, I feel inclined to allow this application.

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