

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2564 of 2019

Shiva Bansal @ Babu S/o Brijlal Satnami Aged About 20 Years R/o Ward No. 11, Baradwar, Police Station - Baradwar, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

AND

M.CR.C. No. 2590 of 2019

1. Devprasad @ Budhwa, S/o. Mehattar, Aged About 45 Years
 2. Rajulal @ Raju Bansal, S/o. Mehattar, Aged About 30 Years,
 3. Brijlal @ Thunu, S/o. Mehattar Aged About 50 Years,
- All are By Caste - Satnami, R/o. Ward No. 11, Baradwar, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants	: Mr. K.K. Pandey, Advocate
For Respondent/State	: Mr. Aaditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2019

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
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.199/2018, registered at Police Station – Baradwar, District – Janjgir-Champa (C.G.) for the offence punishable under Section 294, 506-B, 323, 324, 307, 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. The applicants are in jail since 16.12.2018. The case has been investigated and charge-sheet has been filed. Hence, it is prayed that the applicants may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that one of the victim Kanhaiya had a injury of fracture on his skull, therefore, looking to the injuries caused to the victim, the applicants are not entitled for grant of regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case of the prosecution in brief is this that because of previous enmity on the date of incident, the applicants engaged in fight with complainant Mukesh and assaulted him with club and by baton of an

axe causing injuries to him. When Kanhaiya, brother of Mukesh came to intervene, he was also assaulted and caused injuries. In the MLC report, it has been confirmed that Kanhaiya has suffered a fracture on his skull.

7. Considered on the submissions made and the contents of the case diary. After considering the evidence present in the case diary i.e. proposed for the purpose of prosecution, 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 applicants shall be released on bail on their furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge