

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5107 of 2019

1. Babloo Yadav S/o Ram Kishun Yadav, Aged About 30 Years, R/o Village Gopalpur, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
2. Jaylal S/o Basant, Aged About 37 Years, R/o Village Gopalpur, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
3. Mahendra S/o Basant, Aged About 35 Years, R/o Village Gopalpur, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
4. Ramesh Yadav S/o Basant Yadav, Aged About 40 Years, R/o Village Gopalpur, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
5. Ram Rajju S/o Ramprasad, Aged About 40 Years, R/o Village Gopalpur, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Rajpur, District - Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

MCRC No. 5111 of 2019

1. Siyaram S/o Devru Yadav, Aged About 55 Years, R/o Village Gopalpur, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh
2. Jogendra Yadav S/o Siyaram, Aged About 25 Years, R/o Village Gopalpur, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

----Non-applicant

For Applicants – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Arijit Tiwari, Panel Lawyer.

Shri Nishi Kant Sinha, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-09-2019

1. As both these applications arise out of the same crime number, i.e.,

Crime No.145/2019 registered at Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh for offence under Section 147, 148, 149, 323, 452, 307, 294 of the IPC, they are being decided by this common order.

2. At the outset, learned counsel for the applicants in MCRC No.5107 of 2019 prays to withdraw the application for grant of regular bail of applicant No.1 Babloo Yadav in MCRC No.5107 of 2019.

3. Consequently, the application for grant of regular bail filed by applicant No.1 Babloo Yadav in MCRC No.5107 of 2019 is dismissed as withdrawn.

4. In MCRC No.5107 of 2019 applicants Jaylal, Mahendra, Ramesh Yadav, Ram Rajju (applicants No.2, 3, 4 and 5) have made prayer for grant of regular bail as they have been arrested on 22-06-2019 in connection with aforesaid crime number and offence.

5. MCRC No. 5111 of 2019 has been filed by applicants Siyaram and Jogendra Yadav for grant of regular bail as they have been arrested on 08-07-2019 in connection with aforesaid crime number and offence.

6. It is submitted on behalf of applicants No.2 to 5 in MCRC No.5107 of 2019 and both the applicants in MCRC No.5111 of 2019 that all these applicants have been falsely implicated in this case. In fact there had been land dispute between these applicants and the complainant party since long, because of which both the parties engaged in quarrel on the date of incident. The complainant party has also assaulted the applicants party regarding which one FIR was lodged, which is registered as Crime No.148/19 for offence under Section 294, 506(B), 323, 34 of the IPC, whereas, offence of non-bailable nature have been registered against these applicants. None of the injuries caused to any of the injured persons is of fatal nature. These applicants are in jail since about two months. Therefore, it is prayed that they may be granted regular bail.

7. Learned counsel for the State/non-applicant opposes the applications

and submits that there is eye-witness account of the incident, therefore, these applicants are not entitled for grant of bail.

8. Learned counsel for the objector submits that these applicants were aggressor in the incident that has taken place and one of the co-accused Babloo Yadav has caused fatal injury to one of the victims namely Rajmaniya Yadav in which all these applicants had participated in furtherance of common object. Therefore, they are not entitled for grant of bail.

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

10. According to the prosecution case, on the date of incident these applicants assaulted victims Rajmaniya Yadav, Mahesh Yadav, Sushila Yadav and Gunnu Yadav causing various injuries to them. Injured Rajmaniya Yadav was injured by an axe by co-accused Babloo Yadav which has been reported as fatal injury.

11. Considering that these applicants were not armed with any sharp edged weapon, therefore, they cannot be said as main assailants in this case, therefore, I feel inclined to allow application of applicant No. 2 to 5 in MCRC No.5107 of 2019 and MCRC No.5111 of 2019.

12. Consequently, the prayer made by applicants Jaylal, Mahendra, Ramesh Yadav, Ram Rajju (applicant No.2, 3, 4 and 5 in MCRC No.5107 of 2019) and MCRC No.5111 of 2019 filed by applicants Siyaram and Jogendra Yadav for grant of regular bail are hereby allowed. It is directed that these 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.

13. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge