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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5744 of 2019**

1. Balbhagwan & Ors S/o Devnath Aged About 44 Years Caste Yadav, R/o Village Chapkachhar (Jaldega), Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.
2. Vinod Yadav S/o Mahipal Aged About 34 Years Caste Yadav, R/o Village Chapkachhar (Jaldega), Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.
3. Dayaram S/o Mahipal Aged About 26 Years Caste Yadav, R/o Village Chapkachhar (Jaldega), Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.
4. Jayprakash S/o Gopal Aged About 19 Years Caste Yadav, R/o Village Chapkachhar (Jaldega), Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.
5. Deepnarayan S/o Balbhagwan Aged About 20 Years Caste Yadav, R/o Village Chapkachhar (Jaldega), Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.
6. Rama Yadav S/o Shivnath Aged About 55 Years R/o Village Parpatiya, Police Station Kamleshwarpur, Tahsil Mainpat, District Surguja.

----Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kapu District Raigarh, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Govind Dewangan, Advocate.
For Respondent	:	Mr. B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07/11/2019**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 13/2019 registered at Police Station – Kapu District Raigarh (C.G.) for the offence punishable under Sections 294, 506-B, 323, 326, 147, 148 & 149 of IPC.

- The prosecution story, in brief is that applicant No. 1 namely Balbhagwan Yadav son of Devnath Yadav molested the wife of complainant Balbhagwan son of Chander Yadav four years ago and that case is pending before the Court. On 27.02.2019 at about 08 AM the applicants asked complainant to compromise in above mentioned molestation case. On that, the complainant asked applicants for giving him the expenses which he incurred while reporting the matter to police. Thereafter, the applicants intentionally hurled abuses with filthy languages to the complainant and assaulted with axe, stick and shoes due to which the complainant got injured. Thereafter, the FIR has been lodged against the applicants and they have been arrested on 13.08.2019.
- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. Charge-sheet has been filed. The applicants are in jail since 13.08.2019, there is no previous antecedent against them, therefore, the appellants may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and the fact that the offence is triable by Judicial Magistrate First Class and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu