

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7036 of 2019**

1. Muse Khan S/o Latif Khan Aged About 50 Years, R/o Village Pandripali, Police Station Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh.
2. Asif Khan @ Sonu S/o Rafiq Khan Aged About 24 Years, R/o Village Pandripali, Police Station Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh.
3. Rafiq Khan S/o Hakiz Khan Aged About 50 Years, R/o Village Pandripali, Police Station Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh.
4. Wahab Khan @ Ohaf Khan S/o Jabbar Khan Aged About 40 Years, R/o Village Pandripali, Police Station Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Praveen Das, Adv.
For Respondent/State	:	Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/12/2019**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 50/2015 registered at Police Station-Bilaigarh, District-Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 147, 148, 427, 452, 506, 294, 323, 307 and 302 read with 34 of the IPC.
2. The prosecution story, in brief is that, complainant Dharamlal Sahu lodged a report on 05.02.2015 on account of some election dispute, the present applicants along with other co-accused persons came to his house and assaulted his family members with hands and fists

and *lathi* in which one Fagu Sahu received grievous injuries and later on during treatment he died. Based on this offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the other co-accused persons have already been granted bail in MCRC Nos. 6703/2019, 3724/2019 and 6596/2019 so, the present applicants may also be granted benefit of bail. The applicants are in jail since 06.09.2019 and there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering the facts that the other co-accused have already been granted bail by this Court and the present applicants are in jail since 06.09.2019 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.
7. 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 local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**