

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7045 of 2019

1. Ram Layak Yadav S/o Lakhan Yadav Aged About 30 Years R/o Ram Sagar Para Gokul Nagar Raipur, Police Station Santoshi Nagar Raipur, District Raipur, Chhattisgarh, At Present R/o Risda Road Krishna Nagar Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh
2. Shubhakant Swai S/o Shridhar Swai Aged About 35 Years R/o Civil Line Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Balodabazar, District Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

 For Applicants : Shri A.S. Rajput, Advocate
 For Respondent/State : Ms. Reena Singh, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

29.11.2019

1. 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.584/2019 registered at Police Station -City Kotwali, Balodabazar, District Balodabazar-Bhatapara(C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 307 of the IPC.
2. It is the case of the prosecution that on 9.10.2019 at about 2.00 pm when the complainant - Prakash Verma and his friend Nirmal Patel went to the liquor shop for purchasing liquor, at that time some dispute arose on account of excess rate of

Rs.40/- of the liquor and the applicants along with other persons abused and assaulted the complainant and his friend with hands and fists and lathi (a bamboo stick) due to which they received injuries.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case and on a very small issue, the complainant and his friend have arisen the quarrel and there was free fight between them. He submits that as the applicants are in custody since 11.10.2019 and trial is likely to take some time for its final disposal, they may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicants; yet charge sheet has not been filed and the applicants are in custody since 11.10.2019, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.
7. Certified copy, as per rules.

Sd/

(Rajani Dubey)
JUDGE