

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 9650 of 2018**

1. Jaynath Giri, S/o. Late Shivrath Giri, Aged About 60 Years
 2. Smt. Kaushalya Giri, W/o. Jaynath Giri, Aged About 50 Years,
 3. Arun Giri, S/o. Jaynath Giri, Aged About 20 Years,
- All by Caste - Gosai, R/o. Village Jamchuwan, Police Station Narayanpur, District Jashpur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Narayanpur, District Jashpur Chhattisgarh.

---- Respondent

For Applicants	: Mr. J.K. Saxena, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/01/2019**

1. This is the first bail application 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.36/2018, registered at Police Station – Narayanpur, District – Jashpur (C.G.) for the offence punishable under Section 307, 147, 120-B, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 13.10.2018. No case is made out against the applicants. Similarly placed co-accused persons namely Gulab, Jagarnath, Shobhnath, Arvin Giri have been granted regular bail by this Court. The

applicant – Smt. Kaushilya Giri has been granted anticipatory bail vide order dated 16.11.2018 in M.Cr.C.(A) No.1393/2018, even then she has been arrested and placed in detention, therefore, it is prayed that the applicants may also be released on regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that all these applicants have actively participated in the incident of assault with intention to cause death of the injured persons, therefore, the applicants may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. A dispute arose regarding ploughing the agricultural field between the applicants along with co-accused persons with the complainant party, in which it is alleged that these applicants and the other co-accused persons assaulted the Basant Giri, Amit Giri, Geeta Giri and Bahru Giri with axes and club causing injuries to them and Basant Giri has received one grievous injury. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and also for the reason that similarly placed co-accused persons have been granted bail by this Court, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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

Balram