

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7651 of 2019**

1. Bandhuram Kanwar (wrongly mentioned as Kanwer)
S/o Gendaram Kanwar Aged About 40 Years R/o
Village- Gahaniya Baigapara, Police Station-
Balconagar, District- Korba, Chhattisgarh.
2. Holsay Kanwar S/o Gendraram Kanwar Aged About
21 Years R/o Village- Gahaniya Baigapara, Police
Station- Balconagar, District- Korba, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer,
Police Station- Balconagar, District- Korba,
Chhattisgarh.

---- Respondent

For Applicants :- Mr. Dharmesh Shrivastava, Adv.

For Respondent-State:- Mr. Sameer Sharma, Dy, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

23/01/2020

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. 312/2017

registered at Police Station – Balconagar, District – Korba (C.G.) for the offence punishable under Sections 458, 302, 307, 34, 459, 460 of the IPC.

2. The prosecution story, in brief, is that complainant lodged a report against the some unknown persons were assaulted complainant's brother and sister-in-law along with grandmother (neighbour), due to which brother of the complainant was died and other persons were sustained injuries. On the basis of memorandum statement of the applicants, one iron rod has been seized from the possession of the applicants. Based on this, offence has been registered. During course of the investigation. The present applicants have been taken into custody on 05.12.2017.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the one of the co-accused was granted bail by this Court in MCRC No.3835 of 2019 on 19.09.2019. He further submits that the applicants are languishing in jail since 05.12.2017, they are ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicants may be released on bail.

4. On the other hand State counsel strongly opposes the bail application.

5. I have heard learned counsel for the parties and perused the entire material available on record.

6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicants are in jail since 05.12.2017 and as 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. Applicants are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit