

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1578 of 2021

1. Ganeshram Yadav, S/o Tijau Yadav, Aged About 32 Years, R/o Anand Chowk Pachripara, Durg, Tahsil and District, Chhattisgarh
2. Sunny Yadav @ Jitendra, S/o Mahesh Yadav, Aged About 26 Years, R/o Anand Chowk, Pachripara Durg, Tahsil and District Durg, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Police Station City Kotwali, Durg, District Durg, Chhattisgarh

---- Respondent

For Applicants	Mr. P. R. Patankar, Advocate
For Respondent	Mr. R. K. Bhagat, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

21/05/2021

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.835/2020, registered at Police Station Kotwali, District Durg (CG), for the offence punishable under Section

307/34 of IPC and Sections 25 & 27 of the Arms Act.

2. The case of the prosecution, in brief, is that the applicants assaulted the complainant by a dangerous weapon, as a result of which he suffered grievous injuries, which were sufficient to cause death, and thereby they committed the offence.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have been falsely implicated in the crime in question. He would further submit that the present is a counter case to an FIR bearing Crime No.312/2020 lodged by the applicants against the complainant party at Police Station Kotwali, District Durg (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 307, 341 & 506 of IPC, but they have been released on bail. The applicants are in jail since 23.11.2020 i.e. for almost 6 months and the charge sheet has already been filed, therefore, the applicants may kindly be released on bail.

4. On the other hand, learned State counsel would oppose the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering that present is a counter case to an FIR lodged by the present applicants against the complainant party, pre-trial detention of the applicants for almost 6 months, charge sheet has already been filed and trial is likely to take some time, this Court is inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Sd/-

Sanjay K. Agrawal
Vacation Judge