

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 775 of 2015

1. Sumer Singh S/o Fatte Singh Aged About 32 Years R/o Village - Arasmeta, P.S. - Mulmula, District - Janjgir-Champa (Chhattisgarh).
2. Shailesh Singh S/o Kulendra Bhushan Singh Aged About 29 Years R/o Village - Arasmeta, P.S. - Mulmula, District - Janjgir-Champa (Chhattisgarh).

---- Applicant/s

Versus

State Of Chhattisgarh Through : The District Magistrate, District Janjgir-Champa (Chhattisgarh).

---- Respondent

Shri Shailendra Dubey, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

17/09/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.95/2015 registered at police station – Mulmula, District – Janjgir – Champa (CG) for alleged commission of offence under Section 294, 506, 323, 458, 427, 34 of IPC.

2. Prosecution case is that the applicants, in the night, entered the yard / work shop of a cement company and it is alleged that they assaulted the security guard and also destroyed property.

3. Learned counsel for the applicant submits that as the vehicles of the cement company were causing threat to the life of the residents and children of the applicants, the applicants had gone to the office to express the displeasure but at the spot, the applicants were manhandled and were assaulted resulting in injuries to applicant No.1 including injury on the head and as many as five injuries to applicant No.2. It is submitted that the applicants are not the assailants as the applicants have received much more severe injuries than the other party.

4. On the other hand, learned State counsel submits that as per the FIR, the applicants had come to the office in the yard in the night and started quarreling, destroyed property and assaulted.

5. The case diary of both the cases have been perused and though from the FIR lodged in Crime No.95/15 (present case) shows that the applicants had arrived in the office and it is alleged that they had destroyed certain property and assaulted, after perusal of FIR lodged under Crime No.97/15, it is found that each of the applicants have suffered more than five injuries, out of which, some of them are grievous. Applicant No.1 received injury on his head whereas applicant No.2 has sustained two grievous injuries, one stitch wound near eyes and other near his ear.

Taking into consideration the injuries of the applicants which are much more grievous than the injuries received by other party, possibility of false implication cannot be ruled out.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge