

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 900 of 2015

Nilamber S/o Late Shri Ghasiya Sahu Aged About 35 Years Caste - Teli, R/o Village - Lendhra, P. S. Kosir, Tahsil Sarangarh, District - Raigarh (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Kosir, District - Raigarh (Chhattisgarh).

---- Respondent

And

MCRCA No. 901 of 2015

Devendra S/o Niranjana Sahu Aged About 20 Years Occupation Student, R/o Village Lendhra, Police Station Kosir, Tah. Sarangarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kosir, District Raigarh Chhattisgarh.

---- Respondent

For Applicants	:	Shri Raghavendra Pradhan, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

Order On Board

18/09/2015

Heard.

1. MCRCA 900 of 2015 and MCRCA 901 of 2015 are being decided by this common order as both the bail applications arise out of same crime number.
2. The applicants in both the cases are apprehending their arrest in connection with Crime No.58 of 2015, registered in Police Station- Kosir, District -Raigarh, for alleged commission of offence under Sections 294, 506-B, 323 and 452/34 of the IPC.
3. Case of the prosecution, in brief, is that the applicants and other accused entered the house of the victim and assaulted him with hands, fists and club resulting in four contusion injury.

4. Learned counsel for the applicants submits that the applicants and the victim are related to each other. There is already a civil dispute with regard to partition going on before the Tahsildar and therefore, the applicants have been falsely implicated.
5. On the other hand, learned counsel for the State submits that victim Mehtar Sahu has clearly stated that he was assaulted with club by applicant- Nilamber and there is allegation that applicant- Devendra assaulted with hands and fists. The victim sustained four contusions. The victim happens to be the uncle of Nilamber. Applicant- Devendra happens to be grand son of the victim.
6. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration that the allegation of assault by club are against accused Nilamber and there are four contusions on the victim, application of **applicant- Nilamber** is rejected. However, considering that Devendra is not alleged to have used any weapon and the injury found on the person of the victim are more probable to have been caused by club, application of **applicant -Devendra** is allowed.
7. It is directed that in the event of arrest of applicant -**Devendra** in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:
 - (i) the applicant shall make himself available for interrogation by the police officer as and when required;
 - (ii) the applicant 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 him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)

Judge