

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 942 of 2015

Dhalu @ Dhalsingh Yadav S/o Situram Yadav Aged About 28 Years R/o Sakin - Loading Quarter
Ward No. 13 Dallirajhara, P.S. - Dallirajhara, District - Balod Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Dallirajhara, District Balod
Chhattisgarh

---- **Respondent**

And

MCRCA No. 935 of 2015

Vishal Motwani S/o Shri Govardhan Motwani Aged About 35 Years R/o Indira Nagar,
Chikhlakasa, Dallirajhara, Tehsil Daundi, Police Station Dallirajhara, District Balod Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dallirajhara, Distt. Balod
Chhattisgarh.

---- **Respondent**

And

MCRCA No. 968 of 2015

Sunny @ Akash Motwani S/o Shri Govardhan Motwani Aged About 30 Years R/o Indira Nagar,
Chikhlakasa, Dallirajhara, Tahsil - Daundi, P. S. - Dallirajhara, District - Balod (Chhattisgarh).

---- **Applicant**

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station - Dallirajhara, District -
Balod (Chhattisgarh).

---- **Respondent**

For Applicants	:	Shri Chandresh Shrivastava, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

Order On Board

07/10/2015

Heard.

1. At the outset, learned counsel for the applicants seeks to withdraw application of applicant- Sunny @ Akash Motwani with liberty to apply for grant of regular bail.
2. Accordingly, the application (MCRCA No.968/2015) of **Sunny @ Akash Motwani** is dismissed as withdrawn with liberty to file regular bail application before the Court below.
3. MCRCA No.942 and 935 of 2015 are being decided by this common order as the applicants in these bail applications are apprehending their arrest in connection with Crime No.52/2015, registered in Police Station- Dallirajhara, District- Balod, for alleged commission of offence under Section 307/34 of the IPC.
4. Case of the prosecution, in brief, is that the applicants assaulted one Nasiruddin, in which incident, Nasiruddin sustained grievous injury on his head.
5. Learned counsel for the applicants submits that the applicants have also lodged FIR on the same date prior in point of time at 7:00 pm in which it has been stated that Nasirrudnin and others were attempting to outrage modesty of a girl which was protested by the applicants whereafter Nasirrudin called his associates and they arrived at the spot and assaulted the applicants. Applicant- Vishal Motwani sustained grievous injury on the head as reported by the doctor in his examination in the matter of investigation in which report lodged by the applicants. It is further submitted that as far as applicant- Dhalu @ Dhalsingh Yadav is concerned, he has been implicated only because he was present at the spot and was attempting to rescue Vishal Motwani from assault made by Nasiruddin and team.
6. On the other hand, learned counsel for the State submits that whatever may be the genesis of dispute, the applicants are also involved because Nasiruddin has sustained grievous injury on his head and he has stated that he was assaulted by applicants Sunny @ Akash Motwani. The other two applicants are also involved.
7. After having perused the case diary of Crime No.51 of 2015 and Crime No. 52 of 2015, taking into consideration that the report was lodged by the applicants' team earlier in point of time and that applicant- Vishal Motwani has sustained grievous injury as reported by the doctor and that allegation of giving assault on Nasirrudin is only against the other co-accused Sunni @ Akash Motwani, application (MCRCA 942/2015) of **Dhalu @ Dhalsingh Yadav** and application (MCRCA No. 935/2015) of **Vishal Motwani** are allowed.

8. It is directed that in the event of arrest of the applicants- **Dhalu @ Dhalsingh Yadav** and **Vishal Motwani** in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them 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 applicants shall make themselves available for interrogation by the police officer as and when required;
- (ii) the applicants 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