

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2536 of 2016

1. Pulamber Barmate & Anr. S/o Shri Bairam Barmate Aged About 53 Years R/o Village Palchuwa, Thana City Kotwali, Revenue District Mungeli, Civil District Bilaspur, Chhattisgarh.
2. Dhaniram S/o Premdas Aged About 32 Years R/o Village Dhangaon Gosai, Thana Jarhagaon, Revenue District Mungeli, Civil District Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali Mungeli, District Mungeli, Chhattisgarh.

---- Non-applicant

Applicants by	Mr. Sumit Shrivastava, Advocate.
Non-applicant by	Mr. Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

2-6-2016

Heard.

The applicants have been arrested on 16-1-2016 in connection with Crime No. 49/2016 registered in Police Station City Kotwali, Mungeli for offence punishable under Sections 147, 148, 149, 294, 324, 326, 323 and 307 of the Indian Penal Code.

Case of the prosecution is that the applicants along with other three co-accused persons assaulted victim Vidyalal Banjara with the help of axe, bucket and stick with intention to kill him resulting in various injuries on his body.

Learned counsel for the applicants submits that even according to the victim, the victim and other persons arrived at the house of the applicants and the victim team was aggressor. He next submits that there is single simple but incised wound on the head of the victim and according to the victim, the axe was held by co-accused Nitesh, a juvenile who has already been released on bail. He further submits that all the injuries are simple in nature. Other three co-accused persons have already been granted bail.

Therefore, the applicants may also be considered for grant of bail. He submits that investigation is complete and charge sheet has already been filed. They are not in a position to abscond or temper with the prosecution witnesses.

On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that the applicants along with other co-accused persons with intention to kill the victim assaulted him who sustained number of injuries. Looking to the nature of weapon used and the vital part where the injury was caused, the applicants are not entitled to bail.

According to the complainant, victim Vidyala Banjara along with other persons had gone to the house of the applicants with certain grievances. The incident happened in front of the house of applicants. At the time when the victim reached, applicant Pulambar Barmate was carrying out some work and was holding a bucket in his hand. Allegation against the applicants is of using bucket and stick whereas the allegation of use of Tabbal (a sharp edged weapon) is against co-accused. None of the injuries are stated to be grievous in nature.

Taking into consideration the aforesaid circumstances, nature of role alleged, the background in which the incident happened and that the investigation is complete and charge sheet has already been filed, the application is allowed.

It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with two local sureties each of the like sum to the satisfaction of the concerned trial court for their appearance as and when directed.

Sd/-

Manindra Mohan Shrivastava
Vacation Judge