

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3092 of 2016

- Ramayan Das S/o Ratiram Satnami Aged About 27 Years R/o Village Sonpuri, Police Station & District Bemetara, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Chowki Sargaon, Police Station Pathriya, District Mungeli, Chhattisgarh. --- **Respondent**

MCRC No. 3093 of 2016

- Manoj Kumar S/o Bhagwat Das Dhritlahre Aged About 30 Years R/o Village Chandkhuri, Police Chowki - Sargaon, Police Station - Patharia, District - Mungeli Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Chowki - Sargaon, Police Station - Patharia, District - Mungeli Chhattisgarh --- **Respondent**

For the applicants	:	Mr. Goutham Khetrapal, Advocate
For the Respondent	:	Mr. Sumeet Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.06.2016

1. These are first bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 02/2016 registered by Police Chowki Sargaon, Police station Patharia, District Mungeli (C.G) for the offence punishable under Sections 294, 323, 307, 506/34 IPC. Since both the applications arising out of the same crime number, they are being decided by this common order.
2. As per the prosecution case, in the intervening night of 31st December 2015 & 1st January 2016 injured Rajesh Singh

Thakur after taking his meal at a Dhabha was returning. At that time the applicants intercepted the injured and assaulted him by way of club by which he sustained grievous injuries on vital parts i.e., head and eye-brow there by the offence is committed.

3. Learned counsel for the applicants would submit that the alleged incident is said to have occurred on 01.01.2016 but the charge sheet which is filed would show that no treatment was provided to the injured after 01.01.2016 therefore it would reveal that the injuries were simple in nature. He submits that under these circumstances, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary as also the medical report which would show that the injured sustained a lacerated wound in size of 7cm x 2 cm x bone deep on supra-orbital region and another lacerated wound in size of 5 cm x 1 cm x muscle deep on just above right eye brow thereby Oedema of right eye was caused and retina was perforated.
6. Taking into consideration the injuries sustained by the applicant and the way the injuries were caused, I am not inclined to allow the bail applications. Accordingly both the bail applications - M.Cr.C.No.3092 & 3093 of 2016 are rejected.

Sd/-
GOUTAM BHADURI
JUDGE