

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7720 of 2015

1. Gowardhan Dewangan, S/o. Shrawan Dewangan, Aged About 31 Years.
2. Bhimsen Dewangan, S/o. Late Laxman Dewangan, Aged About 44 Years.
3. Daniram Dewangan, S/o. Bharatlal Dewangan, Aged About 41 Years.
4. Ishwar Dewangan, S/o. Bharatlal Dewangan, Aged About 38 Years.
5. Tukeshwar Dewangan, S/o. Bharatlal Dewangan, Aged About 36 Years.
6. Narsingh Dewangan, S/o. Shrawan Dewangan, Aged About 34 Years.
7. Rajendra Kumar Dewangan, S/o. Late Laxman Dewangan, Aged About 35 Years.

All are R/o. Village - Dhaurabhata, Post Office & Police Station - Magarlod, Tahsil - Kurud (wrongly mentioned as Magarlod in the rejection order), District - Dhamtari (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station – Magarlod, District Dhamtari, Chhattisgarh

---- Respondent

AND

MCRC No. 7721 of 2015

1. Bholuram Dewangan, S/o. Lomash Dewangan, Aged About 30 Years.
2. Sunny Dewangan, S/o. Lomesh Dewangan, Aged About 27 Years.
3. Netram Dewangan, S/o. Late Bharat Dewangan, Aged About 32 Years.

All R/o. Village Dhaurabhata, Post Office & Police Station Magarlod, Tahsil Kurud, District Dhamtari, Chhattisgarh.

4. Shesh Narayan Dewangan, S/o. Late Bharat Dewangan, Aged About 28 Years, R/o. Nayapara Rajim, Post Office & Police Station - Nayapara, Tahsil - Rajim, District - Raipur (Chhattisgarh)

---- Petitioners

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Magarlod, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicants : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.01.2016

1. Both the bail application is arising out of the same incident and similar facts are involved, therefore, they are being tried and decided together by this common order.
2. These are the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.283/2015, registered at Police Station- Magarlod, District Dhamtari (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 506 & 452 of Indian Penal Code.
3. The first bail applications are dismissed as withdrawn on 09.12.2015 in M.Cr.C. No.6825 & 6824 of 2015 respectively.
4. Case of the prosecution, in brief, is that the complainant Thakur Ram Sahu on 14.11.2015 lodged a report that on 13.11.2015 while he was sitting in his house at about 7:00 p.m., one Kaushilya Bai reported her that the Dewangan families armed with Club, Sword & Stick are approaching to their house and when the complainant saw that crowd was coming to his house, he entered into the house. Thereafter, the applicants forcefully took them out and assaulted by way of a club whereby Thakur Ram Sahu get injury on his left hand, Rameshwar and his daughter Duleshwari were also assaulted and thereafter Kaushilya Bai who tried to intervene in the matter was also assaulted by the applicants.
5. Learned counsel for the applicants submits that the charge sheet has been filed in this case and would submit that only Section 452 is non-bailable. He further submits that out of the open scuffle and dispute between the two parties, initially the applicants made a

complaint against the complainant which was crime No.282/2015 wherein the case was registered under Section 294, 323 & 506 of IPC and subsequent to that this report has been made which bears crime No.283/2015. He further submits that no further investigation and evidence is required in this case and the applicants are in jail since 14.11.2015 and 20.11.2015 respectively, therefore, considering the nature of injury and the way the offence has been committed, the applicants may be enlarged on bail.

6. Per contra, learned State counsel opposes the prayer for grant of bail.
7. I have heard learned counsel appearing for the parties and perused the case diary.
8. Perused the evidence, statements and the medical report. Taking into the nature of injury and the way the offence has been committed and further taking into fact that the charge sheet has been filed and the offence is triable by JMFC, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
11. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge