

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 649 of 2016

1. Ramnath Nayak S/o Chamru Ram Aged About 72 Years R/o Village Khapri, Chorbhatti, Police Station Mulmula, Civil & Revenue District Janjgir Champa, Chhattisgarh.
 2. Umabharti Nayak daughter of Durga Prasad Aged About 23 Years R/o Village Khapri, Chorbhatti, Police Station Mulmula, Civil & Revenue District Janjgir Champa, Chhattisgarh.
 3. Radhika Nayak D/o Ram Nath Nayak Aged About 22 Years R/o Village Khapri, Chorbhatti, Police Station Mulmula, Civil & Revenue District Janjgir Champa, Chhattisgarh.
 4. Yogeshwar Nayak S/o Ram Nath Aged About 32 Years R/o Gaurela, Pendra, Police Station Gaurela, Civil & Revenue District Bilaspur, Chhattisgarh.
 5. Gauri Bai D/o Ram Nath Nayak Aged About 43 Years R/o Village Khapri, Chorbhatti, Police Station Mulmula, Civil & Revenue District Janjgir Champa, Chhattisgarh.
- Applicants**

Versus

- State of Chhattisgarh through Police Station Mulmula, District Janjgir Champa, Chhattisgarh.
- Respondents**

For the applicants	:	Mr. Manoj Paranjpe, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer
For the objector	:	Mr. Kripesh Kela, Advocate

MCRCA No. 821 of 2016

1. Santosh Kumar S/o Govind Ram Nayak Aged About 23 Years R/o Village Khapri, Chorbhatti, P.S. Mulmula, Tah. Pamgarh, Distt. Janjgir Champa Chhattisgarh.
2. Bhishm Narayan S/o Ramnath Nayak Aged About 35 Years R/o Village Khapri, Chorbhatti, P.S. Mulmula, Tah. Pamgarh, Distt. Janjgir Champa Chhattisgarh.
3. Daduram S/o Chamru Aged About 50 Years R/o Village Khapri, Chorbhatti, P.S. Mulmula, Tah. Pamgarh, Distt. Janjgir Champa Chhattisgarh.
4. Ramanand S/o Lalji Aged About 31 Years R/o Village Khapri, Chorbhatti, P.S. Mulmula, Tah. Pamgarh, Distt. Janjgir Champa Chhattisgarh.
5. Shiv Kumar S/o Chamru Aged About 31 Years R/o Village Khapri, Chorbhatti, P.S. Mulmula, Tah. Pamgarh, Distt. Janjgir Champa Chhattisgarh.
6. Lalji Nayak S/o Chamru Aged About 40 Years R/o Village Khapri,

Chorbhatti, P.S. Mulmula, Tah. Pamgarh, Distt. Janjgir Champa Chhattisgarh.

7. Govind Ram S/o Chamru Ram Nayak Aged About 50 Years R/o Village Khapri, Chorbhatti, P.S. Mulmula, Tah. Pamgarh, Distt. Janjgir Champa Chhattisgarh.
8. Balaji Nayak S/o Chamru Ram Nayak Aged About 50 Years R/o Village Khapri, Chorbhatti, P.S. Mulmula, Tah. Pamgarh, Distt. Janjgir Champa Chhattisgarh.

--- Applicants

Versus

State of Chhattisgarh Through S.H.O. Police Station Mulmula, Distt. Janjgir Champa Chhattisgarh.

--- Respondent

For the applicants	:	Mr. Goutam Khetrapal, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer
For the objector	:	Mr. Kripesh Kela, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.09.2016

1. Apprehending arrest in connection with Crime No. 44 of 2016 registered at P.S. Mulmula, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 294, 506, 323, 324, 147, 148, 326, 307, 149 IPC, the applicants have filed these applications u/s 438 of the Code of Criminal Procedure. Since both these applications are relating to the same Crime Number, they are decided together by this common order.
2. As per the prosecution case, a report was made by one Ramkumar Nayak that in the night of 23.02.2016 at about 9.15 p.m., over an old enmity, Dadu Ram Nayak started abusing Mohan Nayak which was objected. At that time, the applicants armed with rod and chain and assaulted the family members of the complainant namely Chain Bai, Rajkumar, Mohanlal, Mahendra Kumar. In such assault, Chain Bai sustained swelling and contusion, Rajkumar sustained grievous injury i.e., a fracture of left temporal bone and was admitted to hospital for 14 days. Mohan Lal sustained lacerated wound on occipital region and was also admitted to hospital for more than 14 days and Mahendra Kumar also received certain injuries.

3. Learned counsel for the applicants would submit that initially the applicants have lodged the FIR which was bearing No. 43/2016 as the complainants have entered into the house and assaulted the applicant party whereby Ramnath Nayak sustained fracture of hand; likewise Uma Bharati, Radhika, Yogeshwar and Gowri Bai also sustained fracture of hand whereas applicants Santosh Kumar and others also sustained different injuries. Santosh Kumar sustained injury on his head, Bhishma Narayan sustained injury beneath the eye. Dadu Ram received injury below the left eye, Ramanand sustained fracture of left hand. Shiv Kumar sustained injury on left eye. It is contended that initially the FIR was registered u/ss 294, 506, 323, 143, 149 & 324 and after 3 months of incident, sections 326 & 307 have been added. It is further stated that initially the applicants have made the report and as a counter blast, the instant report has been made. Therefore, he submits that the applicants in M.Cr.C(A). No. 649/2016 have also sustained grievous injuries. Hence taking into such fact, all the applicants may be enlarged on bail.
4. Per contra, learned State Counsel and learned counsel for the objector vehemently oppose the bail and would submit that Rajkumar has sustained grievous injury and his left frontal temporal bone was fractured and he was admitted in hospital for 18 days. Similarly Mohanlal was admitted for 14 days and Chain Bai and Mahendra Kumar also sustained injuries.
5. Perused the FIR made by Ramkumar Nayak wherein all the applicants have been named. Also perused the statement of Mohan Nayak who is one of the injured wherein also the applicants have been named. The statement of Rajkumar is not available on record. Learned State Counsel submits that the investigation is still going on and the statement of Rajkumar is to be recorded. Therefore, at this stage when statement of another injured to be recorded, presumption cannot be drawn against any of the applicant.
6. Taking into statements of injured witnesses and the report made and

for the reason that statement of another injured is still to be recorded, I am not inclined to allow the bail applications of applicants except for applicant Ramnath Nayak who is stated to be 72 years of age. Accordingly, the prayer for grant of bail to applicant no.1 Ramnath Nayak is allowed looking to his age and the injury sustained by him and the prayer for grant of bail to the rest of applicants in both the bail applications are rejected.

7. It is directed that in the event of arrest of Applicant No.1 Ramnath Nayak in M.Cr.C(A) No.649/2016 arising out of the Crime No.44/2016, he shall be released on bail by the Officer Arresting him on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the concerned Investigating Officer. He shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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/her from disclosing such facts to the Court or any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE