

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6044 of 2016

1. Premdas, S/o Jagratan Satnami Aged About 45 Years
 2. Vikramdas S/o Premdas Satnami, Aged About 19 Years,
- Both are R/o Village Bendarchi, Police Station Thaankhamhariya,
Tehsil Saaja, Civil & Revenue District Bemetara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Thaankhamhariya,
District Bemetara, Chhattisgarh.

---- Respondent

For applicants - Shri Rajesh Roshan Singh, Advocate.
For Respondent/State –Shri Neeraj Sharma, Dy.G.A.
For objector – Shri Samir Singh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/10/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.70/2016 registered in Police Station Thaankhamhariya, District Bemetara (C.G.) for offence punishable under sections 307/34 of IPC & 25, 27 of Arms Act.
2. As per the prosecution case, on 14/05/2016 complaint was made by Bhagchand that over assaulting the cow both the parties entered into scuffle and dispute whereby complainant Bhagchand and Pratap were assaulted by Premdas and Vikramdas by using weapon of wooden stick and sword and tried to kill the victim.
3. Learned counsel for the applicants submits that out of the free fight incident happened, applicants had also on the same date filed the report against the applicant and under the Crime No.69/2016 crime was registered under Section 294, 506-B, 323, 324 read with 34 of IPC and the applicants have also sustained the injuries and therefore by way of self defence the incident happened, therefore the applicants may be released

on bail.

4. Learned State counsel and counsel for the objector opposes the prayer for grant of bail.

5. Perused the statement of the victim. Considering the statement the allegation of assault by sword is on Vikramdas applicant No.2 and applicant No.1 Premdas stated to have been assaulted by club. Taking into statement alongwith the medical report, this court is not inclined to release **applicant No.2 Vikramdas** on bail.

6. Accordingly, bail application in respect of **applicant No.2 Vikramdas** is dismissed.

7. However, with respect to the allegation attributed to applicant No.1 Premdas, this court is inclined to release **applicant No.1 Premdas** on bail.

8. Accordingly, the bail application in respect of **applicant No.1 Premdas** is allowed and it is directed that the applicant No.1 Premdas shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE