

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6614 of 2017

1. Rai Singh & Anr. S/o Thanwar Aged About 46 Years R/o Village Chamrutola, Tahsil Ambagarh Chowki, Police Station Chilhati, District Rajnandgaon Chhattisgarh
2. Gautam Singh Kirge, S/o Mansharam Kirge Aged About 42 Years R/o Village Chamrutola, Tahsil Ambagarh Chowki, Police Station Chilhati, District Rajnandgaon Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Office, Police Station Chilhati, District Rajnandgaon Chhattisgarh

---- Respondent

Shri Aditya Bharadwaj, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/12/2017

Heard.

The applicants have been arrested in connection with Crime No.50/2017 registered at Police Station – Chilhati, District - Rajnandgaon (CG) for alleged commission of offences under Section 307, 34 of IPC.

2. Case of the prosecution is that the applicants, with a common intention to cause death, assaulted the prosecutrix on which she sustained grievous injury on her head.
3. Learned counsel for the applicant submits that false case has been registered against them. Infact, the applicants had also lodged report on the allegation of commission of offence under Section 224 and 223 of IPC against one Dhansingh who was present at the spot and at the instance of Dhansingh and his associates, present FIR has been registered against the applicants. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that as per the FIR and case diary statements of the victim Sunita Gond, with an intention to cause death, all the applicants assaulted the victim resulting in grievous injury on her head. Therefore, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly the circumstances and the manner in which the incident is reported to have occurred and the role played by the applicant, I am inclined to grant bail to the applicants.

6. Accordingly, 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/- along with one local surety for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge