

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.6317 of 2017

1. Shiv Balak Panika S/o Anukdas, aged about 60 years, Occupation Agriculture, R/o Pusla, P.S.Sonhat District Korla (C.G.).
2. Devdas S/o Shiv Balak, aged about 40 years, Occupation – Agriculture, R/o Pusla, P.S.Sonhat, District – Korla (C.G.).

---Applicants

Versus

State of Chhattisgarh, Through Police Station Sonhat, District Korla (C.G.).

---Respondent

M.Cr.C. No.6704 of 2017

Rahul Das S/o Devdas, aged about 19 years, Occupation – Student, R/o village Pusla, Tahsil & Police Station Sonhat, District Koriya (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through Police Station Sonhat, District Korla (C.G.).

---Respondent

For respective applicants	:	Shri A.K.Prasad & Shri Avinash Chand Sahu, Advocates.
For resp./State	:	Shri D.R.Minj, Dy.G.A.

Hon'ble Shri Justice P. Sam KoshyOrder on Board30/11/2017

1. The applicants has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.72/2017 registered at Police Station Sonhat, District Koriya (C.G.) for the offence punishable under Section 341, 307 & 34 of IPC.
2. Present applicants are in jail since 07/09/2017.

3. As per the prosecution case, the present applicants are said to have assaulted the injured Ramlal with hands, feets and kicks and with an axe.

4. The counsel for the applicants submits that, it is a case where the issue involved was too trivial and that there was no intention to take the life of the complainant and that it all happened at the spur of the moment and the dispute which were there between the two families. He further submits that, the applicants and the complainant are neighbours and in addition they have also remained in custody for more than 3 months and therefore considering the period of custody and the nature of the incident, he prayed for releasing the applicants on bail.

5. The State counsel however opposing the bail application submits that, there are direct evidence against the present applicants in as much as the complainant himself has named all the accused persons and have also given the details of the individual overtact on part of each of the applicants. He further submits that, the other accused persons is said to have assaulted the complainant with hands, feets and kick whereas the applicant Devdas is said to have assaulted with a tangi (Ex) and considering the nature of assault, the present applicants may not be released on bail.

6. Considering the facts and circumstances of the case and also the allegation levelled against each of the applicants this Court is of the opinion that, the incised wound caused on the forehead of the complainant-Ramlal was at the hands of the applicant Devdas who has assaulted with a tangi

and so far as the other accused are concerned, the allegation against them was only of assaulting the complainant with hands, feets and kicks.

7. Given the facts and circumstances of the case this Court is of the opinion that, the applicant No.2-Devdas in M.Cr.C. No.6317/2017 is not entitled for being released on bail at this juncture and thus, the bail application of Devdas stands rejected.

8. So far as the other applicants are concerned, since, the only allegation against them is that of assaulting the complainant with hands, feets and kicks this Court is inclined to grant bail to these applicants.

9. Accordingly, the application so far as applicant No.1-Shiv Balak Panika in M.Cr.C.No. 6317/2017 and applicant in M.Cr.C.No.6704/2017-Rahul Das, stands allowed. It is ordered that both the applicant shall be released on bail on their executing of a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicants shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE