

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7357 of 2017

1. Surekha Suryavanshi (Wrongly Mentioned As Rekha Suryavanshi In Order Sheet) W/o Santosh Suryavanshi Aged About 25 Years R/o Village Nirtu Bazarpara Suryavanshi Mohalla, Police Station Koni District Bilaspur Chhattisgarh.
2. Ratanlal Suryavanshi S/o Rambahoran Suryavanshi Aged About 60 Years R/o Village Nirtu Bazarpara Suryavanshi Mohalla , Police Station Koni District Bilaspur Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh Through Station House Officer
Police Station Koni , District Bilaspur Chhattisgarh.

---- Respondent

For the applicants : Shri Suresh Tandon, Advocate

For the Respondent/State : Shri U.K.S. Chandel PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.12.2017

1. This is the first 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. 323/2017, registered at Police Station – Koni, District – Bilaspur (C.G), for the offences under Sections 307, 324, 294, 506 -B, 34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The offences under Section mentioned above is not made out on the basis of the evidence in the prosecution case, at the most the case could be of causing grievous injuries to one of the injured person. The applicant No.1 is a pregnant woman and her pregnancy of a term of 6 months, hence, on this ground it is prayed that the applicants may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and the submissions made. It is submitted that the applicants was a party of the incident in which one of the injured was caused grievous injuries in the vital part of the body and the offence was alleged is made out, hence, the applicants are not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The case against the applicants is that on the date of incident applicant No.1 by using a club and applicant No.2 by using an Axe assaulted the injured persons Ram Avtar and Pankaj and caused injuries to them. On examination by doctor a depressed fracture was found on the body of injured Ram Avtar, thereafter, the case has been registered against the applicants.

6. Considering the submissions made and the contents of the case diary and further considering the fact, further about the injuries caused to the Ram Avtar, there is no report as such that the injuries caused to him would have caused death in ordinary course on nature, taking into consideration these facts, this Court is of the opinion that this is a fit case where the applicants are entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a 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.

Sd /-
(Rajendra Chandra Singh Samant)
Judge

Jamal