

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7263 of 2017

1. Indrawati Chauhan W/o Shri Santram Chauhan, Aged About 43 Years, Occupation House Wife, R/o Village Jhingol, Police Station And Tahsil Tamnar, District Raigarh Chhattigarh
2. Santram Chauhan, S/o Shri Harichand Chauhan, Aged About 45 Years, Occupation Agriculturist, R/o Village Jhingol, Police Station And Tahsil Tamnar, District Raigarh Chhattisgarh (Mob. No. 9826126930)

---- Applicants

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Tamnar, District Raigarh Chhattisgarh

---- Non-applicant

For Applicants – Smt. Madhunisha Singh, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for grant of regular bail. The applicants were arrested on 10-10-2017 in connection with Crime No.42/2017 registered at P.S. Tamnar, District Raigarh, C.G. for the offence under Section 294, 506, 323, 307 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. On the date of incident during the meeting, which was held in the village, complainant Gangaram and Sitaram came in inebriated condition who first assaulted the applicants causing them injuries. The applicants lodged FIR in P.S. Tamnar, Distt. Raigarh, C.G., on the basis of which Crime No.41/2017 was registered against the complainant for the offence under Section 294, 506B, 323 of

the IPC. Subsequent to that the complainant lodged the FIR against the applicants which was registered as Crime No.42/2017. It is submitted that no offence is made out under Section 307 of the IPC. The applicants are in jail since 10-10-2017. They are ready to abide by all the conditions imposed on grant of bail. The trial of the case is likely take some time before its conclusion. It is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that on medical examination of the injuries caused to the complainant/victim, it has been found that the complainant has suffered depressed fracture on his skull bone and further the doctor has also opined in query that if immediate treatment could not have been provided to the complainant, the injuries could have been fatal. Hence, for these reasons the applicants are not entitled for grant of regular bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Facts of the case are these that on the date of incident a meeting was held in the village when the applicants came on the spot and started abusing complainant Gangaram and also threatened to kill him and thereafter both of them assaulted complainant Gangaram and Sitaram with club and rod causing injuries to them. On the FIR being lodged, the case has been registered against the applicants.

6. Considered on the submissions made and contents of the case diary. The medical report shows presence of depressed fracture on the skull bone of injured Gangaram. The medical report though states that the injury caused could have been fatal, but it does not say that the injury

caused was sufficient to cause death in the ordinary course of nature. There is nothing in the case diary to show that the complainant was required to be hospitalized and treated. Hence, for these reasons, the application filed by the applicants for grant of regular bail deserves to be allowed.

7. Consequently, the application (MCRC No.7263/2017) filed under Section 439 of the Cr.P.C. by the applicants is hereby 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/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge