

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 511 of 2017

1. Laxmeen W/o Rajkumar, Aged About 35 Years Caste Suryavanshi, R/o Village Bilari P. S. Sheorinarayan Tahsil Pamgarh District Janjgir Champa (Chhattisgarh).
2. Jamabai, W/o Rajaram, Aged About 34 Years Caste Suryavanshi, R/o Village Bilari P. S. Sheorinarayan Tahsil Pamgarh District Janjgir Champa (Chhattisgarh).
3. Sarita, W/o Seetaram, Aged About 26 Years Caste Suryavanshi, R/o Village Bilari P. S. Sheorinarayan Tahsil Pamgarh District Janjgir Champa (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Incharge Sheorinarayan District Janjgir Champa (Chhattisgarh).

---- Respondent

For Applicants	:	Shri Rajendra Kumar Suryavanshi, Advocate
For State	:	Shri Avinash Singh, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicants apprehending their arrest in connection with Crime No.22/2017, registered in Police Station- Sheorinarayan, District- Janjgir Champa, for alleged commission of offence under Sections 147, 294, 323, 307 & 506 IPC.

2. Case of the prosecution, in brief is that during construction being raised by Rajkumar and other relatives, a dispute arose in which Naresh, Aarti and Mangli were injured. It is alleged that Naresh and Aarti sustained grievous injury. Allegation against the applicants is that the applicants were also involved in that fighting and they also assaulted.
3. Learned counsel for the applicants submits that the dispute arose all of sudden at the spot and allegation against the applicants is of using fists to cause injury on Mangli and they have not assaulted any other persons much less those who suffered grievous injury, therefore, the allegation with the aid of Section 307 IPC is not made out. The injury sustained by Mangli are simple in nature, therefore, the applicants may be granted bail.
4. On the other hand, learned counsel for the State submits that in the dispute, as many as 9 persons have been made accused and they all assaulted other group and persons, therefore, all are equally liable.
5. Taking into consideration the submissions made by learned counsel for the parties, considering the manner in which the dispute arose at the spot and further that the applicants are not alleged to have used any weapon nor caused any grievous injury to any other person except simple injury to Mangli, I am inclined to protect the applicants.
6. The application is accordingly allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer 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 arresting officer with following further conditions that:
 - (i) the applicants shall make himself available for interrogation by the police officer as and when required;

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(ii) the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen