

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7236 of 2017

1. Heeraram S/o Late Shri Gopiram Aged About 67 Years Caste Lodhi R/o Village - Palandur Police Chouki Mohara , Thana - Dongergadh District (Revenue & Civil) Rajnandgaon Chhattisgarh.
2. Dinesh Kumar S/o Shri Heeraram Aged About 36 Years Caste Lodhi R/o Village - Palandur Police Chouki Mohara , Thana - Dongergadh District (Revenue & Civil) Rajnandgaon Chhattisgarh.
3. Dharmendra S/o Shri Heeraram Aged About 34 Years Caste Lodhi R/o Village - Palandur Police Chouki Mohara , Thana - Dongergadh District (Revenue & Civil) Rajnandgaon Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Chouki Mohara , Police Station Dongergarh , District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Yogesh Pandey, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/12/2017

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.271/2017, registered at Police Station-Police Chouki- Mohara P.S.-Dongergarh, District- Rajnandgaon (C.G.) for the offence punishable under Sections 294, 323, 506, 341 & 307/34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. On the date of

incident there had been a festival, in which, the complainant fell down during Dahi loot programme and he got injured. The injuries caused to the applicants was though of grievous in nature, but he had to remain in hospital only for 2 days and the injury was not fatal. False allegation has been made against the applicants about causing injuries to the complainant. Applicants are in jail since 30.8.2017 and they are ready to abide by all the conditions imposed for grant of bail, hence, it is prayed that applicants be enlarged for grant of bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that as per the allegation, applicants were the persons, who caused grievous injury on the head of the complainant which was fatal in nature, hence, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The facts of the case are these, that on the date of incident applicants assaulted the complainant Jai Dewangan with hands, fists and bamboo stick causing various injuries to him. On medical examination, it was found that complainant had fracture in his frontal bone of skull. It was reported by doctor, that in absence of immediate medical treatment, the injuries could have been fatal.
6. Considering the submissions made, contents of the case diary. Taking into consideration the medical report does not mention that injury caused to the complainant was sufficient to cause his death in ordinary course of nature and that the complainant had to remain in hospital only for 2 days and also looking to the document of the incident that has taken place, I am of this view that this is a fit case where the applicants should be enlarged on 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 their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha