

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8657 of 2016

1. Dhan Singh, S/o. Sukhdeo Singh, Aged About 30 Years, Caste Gond, R/o. Village Parsapani (Jagatpur), Police Station Charcha, Tahsil Baikunthpur, District Korea, Chhattisgarh.
2. Anand Singh, S/o. Sukhdeo Singh, Aged About 35 Years, Caste Gond, R/o. Village Jamtipara (Ujiyarpur), Police Station Pondi, Tahsil Baikunthpur, District Korea, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Office, Police Station Charcha, District Korea, Chhattisgarh.

---- Respondent

For Applicants : Mr. Anil Gulati, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/01/2017

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.123/2016 registered at Police Station- Charcha, District Korea (C.G.) for the offence punishable under Sections 307, 294, 506-B, 323, 341, 325 of Indian Penal Code.
2. As per the prosecution case, on 24.09.2016 a report was made by Dilip Singh that the present applicants Dhan Singh and Anand Singh alongwith other co-accused have assaulted Dilip Singh and during such assault, the mother of the injured Dilip tried to intervene, at that time, she was also assaulted and during such scuffle, Dhan Singh gave a stone blow on the head which caused fracture and also tried to strangulate.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and only allegation of assault by hand and fists is on the present applicants, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the injured Dilip Singh and also the dying declaration, which was recorded. The medical report shows that fracture of skull was caused. Taking into the statement wherein it is stated that Dhan Singh assaulted by way of stone, I am not inclined to release Dhan Singh, applicant No.1, on bail and further considering the statement against Anand Singh that he assaulted by way of hand and fists, I am inclined to release Anand Singh, applicant No.2, on bail.
6. Accordingly, the bail application in respect of Dhan Singh, Applicant No.1, is rejected and the bail application in respect of Anand Singh, Applicant No.2, is allowed.
7. It is directed that the applicant No.2 shall be released on bail on furnishing 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, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge