

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 479 of 2018

1. Depak Rai S/o Manindra Nath Rai, Aged About 41 Years, Caste – Kayasth, R/o Village Samlai, Police Station Pasan, District- Korba, Chhattisgarh. , Chhattisgarh
2. Shiv Bhajan Singh Gond S/o Late Jagdeo Singh, Aged About 45 Years, Caste – Gond, R/o Village Samlai, Police Station Pasan, District- Korba, Chhattisgarh. , District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Sthrough S. H. O. Police Station Pasan, District Korba, Chhattisgarh. , Chhattisgarh

---- Non-applicant

For Applicants – Mr. Awadh Tripathi, Advocate.

For Non-applicant/State –Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 26-12-2017 in connection with Crime No.63/2017 registered at P.S. Pasan, District Korba, Chhattisgarh for the offence under Section 294, 323, 326, 506/34 of the IPC and Section 3(1)(10)(r) (s), 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant that the applicants have been falsely implicated in this case. They are in jail since 26-12-2017. The fact is this that the applicants have reacted in self-defence as complainant Devnarayan, who is younger brother of applicant No.2, himself was trying to assault these applicants, hence, no case is made out against them. Charge sheet has been filed in this case. Therefore, it is prayed that the applicants may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the injuries caused to Devnarayan are grievous in nature and the case is fully supported by the eye-witnesses. Hence, no case is made out for grant of bail.

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

5. According to the prosecution case, on the date of incident there had been a dispute regarding flow of water from the water way in fields, because of which, the applicants and the complainant had altercation and exchange of words, during which, it is alleged that applicant No.1 had assaulted the complainant with a spade and applicant No.2 assaulted the complainant with a club, because of which, the complainant suffered injury of fracture on his left tibia fibula and on right thumb. After lodging of the FIR, the offences were registered against these applicants.

6. Considered on the submissions made and the contents of the case diary.

7. Considered on the material present in the case diary. Presently charge sheet has already been filed, the applicants are local residents of District Korba whose appearance before the trial Court can be ensured, hence, for these reasons, I am of this view that the applicants should be granted regular bail.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge