

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7554 of 2017

1. Suman S/o Ramnath, aged about 52 years.
2. Mahesh, S/o Raghav, aged about 40 years.
3. Dujram S/o Umend, aged about 24 years.
4. Barsano S/o Ramnath, aged about 45 years.

All by Caste Kurmi, R/o Village Naroli, P.S. Kunda, Tahsil-Pandariya, District- Kabirdham (C.G.).

---- Applicants

Versus

- State of Chhattisgarh: Through Station House Officer P.S. Kunda, Tahsil-Pandariya, District-Kabirdham (C.G.).

---- Respondent

MCRC No. 901 of 2018

1. Tulsi Ram S/o Suman Chandrakar, aged about 26 years.
2. Dinesh @ Dinu S/o Ramnath Chandrakar, aged about 46 years.
3. Umend Ram S/o Radhoram Chandrakar, aged about 60 years.
4. Narmada Prasad @ Badu S/o Ramnath Chandrakar, aged about 50 years.

All by occupation Cultivator and All R/o Village Naroli, P.S. Kunda, Tahsil Pandriya, District-Kabirdham, (Chhattisgarh)

---- Applicants

Versus

- State of Chhattisgarh: Through P.S. Kunda, District-Kabirdham, (C.G.)

---- Respondent

For Applicants :Mr. F. S. Khare and Ms. Kiran Jain, Advocates.

For Respondent :Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/01/2018

1. Heard.
2. Since both the bail applications arise out of the same crime number, they are being disposed of by this common order.
3. Both these applications are first bail application of the applicants under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants as they have been arrested in connection with Crime No.210/2017 registered at Police Station – Kunda, Tahsil-Pandariya, District- Kabirdham (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 506 & 307 of IPC.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. The only allegation against the applicant is that he gave injuries to the victim, which are grievous in nature and offence under Section 307 of IPC was registered to that effect against him, whereas the offence under Section 307 of IPC is not made out on the basis of material in the charge-sheet, as all the injured persons have suffered only simple injuries. Applicants are in jail since quite sometime. Hence, it is prayed that they may be granted regular bail.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that offence under Section 307 of IPC is registered against the applicants, because, injuries caused to one of the injured are grievous in nature, therefore, they are not entitled for grant of regular bail.
6. Heard both the parties and perused the case diary.

7. As the case is that applicants in both the cases and one juvenile in conflict with law formed an unlawful assembly with common object to assault. Complainant and others abusing words and threatening the complainant -Amit Chandra, applicants and others assaulted Amit Chandra, Koshelya and Sarita with clubs resulted in which injuries caused to them, thereafter, FIR lodged by the Amit Chandra against all the applicants.
8. Having considered the submissions of both the parties and perused the case diary, it appears that none of the injured person were hospitalized for treatment neither any report submitted by examining doctor nor any investigation report on record to show any fatal injuries. For this reason alone, I am of this view that it is a fit case where the applicants should be enlarged on regular bail.
9. Accordingly, both the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both 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 trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge