

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2313 of 2018

- Itwara Bai W/o Chaitram Kenwat Aged About 37 Years R/o Village Chichirda, Outpost Lavan, Police Station Kasdol, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Kasdol, District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

MCRC No. 1350 of 2018

- Ramadhar S/o Shri Sadhram Kenwat Aged About 25 Years R/o.- Village- Chichirada, Police Chowki- Lavan, Police Station- Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicants : Mr. C.R. Sahu, Advocate in MCRC
No.2313/2018.

For Respondent : Mr. Suresh Kumar Verma, Advocate in
MCRC No.1350/2018.
Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/04/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.

2. Both applications are applicant's first bail applications 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. 21/2018, registered at Police Station-Kasdol, District – Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 294, 323, 307/34 of the Indian Penal Code.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant in MCRC No.2313/2018 is in jail since 14.3.2018 and applicant in MCRC No.1350/2018 is in jail since 19.1.2018. The injuries caused to the injured persons in this case have been found to be simple in nature in medical examination, hence, no case is made out under Section 307 of IPC. Applicants are ready to abide by all the conditions and directions, which may be imposed while granting bail to them. Hence, it is prayed that applicants be enlarged on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that one of the injured Chandreashekhar Das has suffered head injury which may have proved fatal, hence, no case is made out for grant of bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident there had been a dispute between complainant Chandrashekhar Das and the applicants regarding boundaries of their agriculture lands and on the same evening the applicant and one Ramadhar had assaulted Chandrashekhar, Priyanka and Nagmati with crow-bar causing injuries to them. Applicant Itwara Bai assaulted the victim with hands & fists. Thereafter the FIR was lodged. Hence, this case.

7. Considered on the entire material present in the case diary and also perused the medical examination report of all the injured persons, there is no report of the examining doctor that the injuries caused to them were sufficient to cause their death in the ordinary course of nature nor the same were fatal in nature. Even there is no report that any grievous injury was caused to the complainant. Hence, under these circumstances, I am of this view that it is a fit case where the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are 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 trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge