

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1398 of 2018**

Dhananjay Thakur, S/o. Ramesh Thakur, Aged About 33 Years, R/o.- Village Dongariya, Tahsil and District- Durg, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station -Nandini Nagar, Civil and Revenue District- Durg, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 1483 of 2018**

Manoj Thakur, S/o. Triloki Thakur, Aged About 33 Years, R/o.- Village- Borai, Tahsil and District- Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station -Nandini Nagar, Civil and Revenue District- Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sanjay Kumar Agrawal, Advocate
For State/respondent	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/04/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.325/2017, registered at Police Station – Nandini Nagar, District – Durg (C.G.), for

the offence punishable under Section 294, 506(B), 232, 324, 326, 34 of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 16.12.2017. The case is triable by Judicial Magistrate First Class. Charge-sheet has been filed after completion of investigation. The applicants have no criminal antecedents. Trial against the applicants is likely to take some time for its conclusion. Therefore, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that according to the query report given by the doctor, the injuries caused to one of the injured/victim Akash could have been fatal, if not treated immediately, hence, no case is made out for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the case of the prosecution on the date of incident, the applicants, who were present in a marriage ceremony from the side of bride had some dispute with the members of procession of bridegroom because of which some altercation took place. It is alleged that both this applicants used abusive words, threatened and then assaulted the victim with hands, fists and some sharp object causing injuries of incised wound to Akash, Mahesh and Yashwant. The applicants were also examined for injuries by the doctor and according the case diary, the counter FIR has also been lodged against the complainant party.

7. Considered on the submissions made and the contents of the case diary. On perusal of the case diary it appears that victims have received incised wound. Although the examining doctor has replied in the query that injuries were grievous and may have been fatal but the grievousness of the injuries has to be reported in accordance with the definition of Section 320 of the I.P.C. and the report is not in accordance with that, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge