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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2707 of 2018**

1. Tinku Sinha S/o Santu Ram Sinha Aged About 21 Years R/o Village Kopra Kunwari, Talabpara, Police Station Panduka, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
2. Tikam Sinha S/o Santuram Sinha Aged About 24 Years R/o Village Kopra Kunwari, Talabpara, Police Station Panduka, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
3. Rekhuram Sinha S/o Sukalu Ram Sinha Aged About 32 Years R/o Village Kopra Kunwari, Talabpara, Police Station Panduka, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
4. Rupram Sinha @ Golu Sinha S/o Shatruhan Lal Sinha Aged About 21 Years R/o Village Kopra Kunwari, Talabpara, Police Station Panduka, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
5. Shatruhan Lal Sinha S/o Balvant Sinha Aged About 45 Years R/o Village Kopra Kunwari, Talabpara, Police Station Panduka, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
6. Girwar Sinha @ Geeru S/o Santuram Sinha Aged About 26 Years R/o Village Kopra Kunwari, Talabpara, Police Station Panduka, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
7. Yamini Sinha D/o Shatruhan Sinha Aged About 19 Years R/o Village Kopra Kunwari, Talabpara, Police Station Panduka, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Panduka, Civil And Revenue District Gariyaband Chhattisgarh.

---- Respondent

For the Applicants : Shri Sampurnank Gupta, Advocate.
 For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.06.2018**

Heard.

1. This is the first bail application 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. 125 of 2017, registered at Police Station Panduka, District Gariyaband, Chhattisgarh for the offence punishable under Sections 294, 147, 148 and 307 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 30.12.2017 and have been falsely implicated in this case. He further submits that the offence under Section 307 of the IPC is not made out at all. The injured persons though suffered grievous injuries but that were not fatal in nature. Apart from that, the injuries were caused by club in the free fight between the members of the same family. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the doctor has opined that the injuries to the injured persons could have proved fatal had they not been treated immediately. Hence, no case is made out for grant of regular bail to the applicants.

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

5. According to the prosecution case, on the date of incident, complainant – Pramod Sahu and applicant No.7 – Yamini Sinha had performed love marriage. Because of some dispute, applicant No.7 came back to her paternal home. On the date of incident, the complainant and his family members had come to the place of the applicants to take back applicant No.7 with them. It was at that time, a dispute arose when all the applicants were engaged in assaulting and beating with clubs, complainant –

Pramod Sahu and other persons - Meena Sahu and Santosh Sahu suffered injuries. Pramod Sahu and Meena Sahu suffered injuries on head but there is no such report of the examining doctor that the injuries caused to any of the person was sufficient to cause death in ordinary course of nature.

6. Looking to the nature of evidence against the applicants and the injuries caused to the injured persons, I am of the considered opinion that the applicants deserve to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on each of them 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge