

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3416 of 2018**

1. Amrit Diwaker S/o Shri Shiva Diwaker Aged About 45 Years
 2. Prahlad Diwaker S/o Shri Shiva Diwaker Aged About 43 Years
 3. Smt. Anjoriya Diwaker W/o Shri Amrit Diwaker Aged About 38 Years
- All are R/o- Village- Phulwarikala, Thana- Lalpur, Tahsil- Lormi, Civil And Revenue District- Mungeli, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station Lalpur, District- Mungeli, Chhattisgarh.

----Non-applicant**AND****MCRC No. 3697 of 2018**

1. Bharat Diwaker S/o Shri Amrit Diwaker Aged About 28 Years
 2. Chhannu @ Chandan Prasad S/o Shri Amrit Diwaker Aged About 20 Years
 3. Shatroghan Diwaker S/o Shri Amrit Diwaker Aged About 24 Years
- All are R/o Village Phulwarikala, Thana Lalpur, Tahsil Lormi, Civil And Revenue District Mungeli Chhattisgarh

---- Applicants**Versus**

The State Of Chhattisgarh Through The Station House Officer, Police Station Lalpur, District Mungeli Chhattisgarh

---- Non-Applicant

For Applicants	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/06/2018**

1. These are two applications filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 140/2017 registered at Police Station Lalpur, District Mungeli, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 294, 323 & 307 of the Indian Penal Code.

2. The applicants in the present two bail applications have been arrested on 07.03.2018 and since then they are in jail in connection with the aforesaid Crime number.
3. The allegation as per the prosecution case against the present applicants is that the present applicants on some petty issue of cattle entering into the house and the premises of the other, a fight took place and the present applicants are said to have assaulted the complainant Smt. Prabha Diwaker and also her husband Jainarayan Diwaker causing injuries.
4. Counsel for the applicants submits that it is a case where there was some petty fight which took place between the two families on account of the cattle entering into the premises of the others and in the said altercation, all the applicants joined together and assaulted the complainant causing simple injuries. The counsel for the applicants further submits that considering the fact that the applicants have already remained in custody for a period of about 3 ½ months and that the applicants are all neighbours and they are also related to the complainant's family, hence the applicants may be released on bail.
5. The State counsel however opposing the bail application submits that the allegations are quite serious and the injuries also cannot be said to be simple for the reason that the Doctor has found out of there being a fracture on the left side of the frontal bone.
6. Having heard the contentions put forth on either side and on perusal of the record, particularly taking note of the duration of custody undergone and the fact that the fight between the parties took place

on account of the petty matter and moreover the applicants and the complainant being neighbours and also related to each other, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicants. Accordingly, the present application for grant of bail is allowed.

7. It is directed that the applicants shall be released on bail on their 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved