

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5060 of 2018

1. Bahru Ram S/o Dripnath, Aged About 52 Years, R/o Jamachua, P.S. Narayanpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Narayanpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 5253 of 2018

1. Mankunwar S/o Ratan Giri, Aged About 30 Years, Caste Gosai, R/o Jamachuwan, Police Station Narayanpur, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Narayanpur, Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Indira Tripathi, Advocate (in MCRC No.5060/2018),
Mr. Purnendra Khichariya, Advocate (in MCRC No.5253/2018).

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-08-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.35/2018 registered at P.S. Narayanpur, District Jashpur, Chhattisgarh, they are being decided by this common order.
2. These are first bail applications filed before this Court by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. The applicants have been arrested on 19-06-2018 in connection with aforesaid crime number for the offence under Section 307, 147, 324, 294, 506 and 323 of the IPC.
3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 19-06-2018. No case is

made out against these applicants. The applicant party and the complainant party both had free fight on account of dispute regarding land between them. On the date of incident one complaint was made by the applicants on which FIR has not been lodged by the police. None of the injured persons received serious injury, hence, offence under Section 307 of the IPC is not made out. Hence, it is prayed that these applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Heard learned counsel for the parties and perused the case diary.

6. There had been dispute regarding possession and cultivation of the disputed land between the applicant party and the complainant party. On the date of incident the applicant party by force were ploughing the land, it was at that time complainant Gulab Giri, Jagarnath Giri and others arrived on the spot to object and stop the applicant party, because of which, the altercation and exchange of blows took place. It is alleged that the applicant party assaulted the complainant and others with clubs and axes causing injuries to them. 6 persons received injuries in the incident, but, none of the injured persons has suffered any grievous or fatal injury.

7. After due consideration on the material present in the case diary, I find it to be a fit case to grant bail to these applicants.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the 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 Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge