

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5670 of 2018

1. Lakhan Lal Sonwani S/o Bodhwa Sonwani Aged About 47 Years R/o-
Village Harinbhatta, Chowki Gidhpuri, P.S. Palari, District- Baloda
Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh
2. Bodhwa Sonwami S/o Baliram Sonwani Aged About 70 Years R/o-
Village Harinbhatta, Chowki Gidhpuri, P.S. Palari, District- Baloda
Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh
3. Khubash Sonwani S/o Bodhwa Sonwani Aged About 32 Years R/o-
Village Harinbhatta, Chowki Gidhpuri, P.S. Palari, District- Baloda
Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh
4. Komal Chand Sonwani S/o Lakhan Sonwani Aged About 18 Years R/o-
Village Harinbhatta, Chowki Gidhpuri, P.S. Palari, District- Baloda
Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- P.S. Palari, District- Baloda-Bazar-
Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh

---- Respondent

For Applicants : Mr. Devershi Thakur with Mr. Anchal Kumar
Matre, Advocates.
For Respondent/State : Mr. Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

31/08/2018

1. At the outset, learned counsel for applicants seeks permission to withdraw this bail application so far as it relates to applicant No.1(Lakhan Lal Sonwani).
2. Accordingly, the bail application of applicant No.1 Lakhan Lal Sonwani is dismissed as withdrawn.
3. This is the second bail application filed by applicants No.2 to 4 under Section 439 of CrPC. Their first bail application was dismissed as withdrawn.
4. The applicants have filed this bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them as they are in custody in connection with Crime No.74/2018 registered at Police Station– Palari, District– Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 147, 148, 149 & 307 of the Indian Penal Code.
5. Learned counsel for the applicants No.2 to 4 submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 26.1.2018. No case is made out against them. It is submitted that infact there had been a free fight between the applicants and the complainant party in which one of the applicants namely Khubash Sonwani suffered head injury and he remained admitted in the hospital for about 6 days. The members of complainant party, who are accused in the counter case, have been granted

anticipatory bail. Hence, it is prayed that applicants be enlarged on regular bail.

6. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the facts of this case and counter case, it is apparent that these applicants had been the assailants and the complainant side has suffered grievous injuries, which were fatal in nature. Applicant No.1 had a criminal history, inasmuch as he is prosecuted in eight criminal cases. Hence, no case is made out for grant of bail.
7. Heard both the parties and perused the case diary.
8. FIR has been lodged by complainant Sadhin Bai that on 26.1.2018 at about 3 in the afternoon, the applicants came on a four wheeler to her house and started exhorting William, son of the complainant. In this incident, the applicant all of sudden started assaulting to injured William Johnson & Rohit Baghel with clubs as a result of which both of them suffered injuries. Head injury caused to injured William was found to be grievous in nature. Hence, this case.
9. Considered the entire material present in the case diary. As the accused persons of counter case have been granted anticipatory bail by this Court and that applicant No.2 is about 70 years old; applicant No.3 had himself suffered injury in this case and applicant No.4 is only about 18 years old, therefore, I am of this view that this is a fit case where these applicants should be released on regular bail.
10. Accordingly, the bail application of applicants No.2 to 4 filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants No.2 to 4 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 concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha