

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6326 of 2018**

1. Duryodhan Patel S/o Jotram Aged About 54 Years R/o- Village Linjir, P.S. Baramkela, Tahsil Baramkela, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Nal Sai S/o Jot Ram Aged About 59 Years R/o- Village Linjir, P.S. Baramkela, Tahsil Baramkela, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station Baramkela, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 7655 Of 2018**

1. Manoj Patel S/o Duryodhan Patel Aged About 20 Years R/o Village Linjir, P. S. Baramkela, Tahsil Baramkela, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
2. Kishore S/o Jagmohan Patel Aged About 24 Years R/o Village Linjir, P. S. Baramkela, Tahsil Baramkela, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station Baramkela, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicants : Shri R. Pradhan, Advocate.

For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.12.2018**

1. Both these applications are being decided by this common order as they arise from the similar matter. These are the first and second bail applications of the applicants 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.24 of 2018, registered at Police Station Baramkela, District – Raigarh, Chhattisgarh for the offence punishable under Sections 456 and 307/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants in both the cases are in jail since 9.4.2018 and they have been falsely implicated in this case. No case is made out for the offence under Section 307 of the Indian Penal Code. According to medical reports, victim – Yudhisthir has suffered only one grievous injury and there is no such report that the injury was fatal in nature. The trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the injury caused to victim – Yudhisthir on head can be regarded as fatal in nature even though the doctor has not given any opinion in this respect. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

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

5. The case of the prosecution is that on the date of incident, for the reason that victim – Yudhisthir had an affair with the daughter of one – Jagmohan Patel, the applicants in both the cases forced their entry into the house of the victim and then assaulted him with club and iron pipe causing injuries to him. Hence, this case.

6. Considering the material present in the case-diary and after perusing the medical examination report of the victim, I feel inclined to grant regular bail to the applicants in both the cases.

7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge