

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7683 of 2017

1. Punit Dahariya S/o Shri Kejuram Dahariya, Aged About 32 Years, R/o Village Parsathih, Police Station Arang, Tahsil Arang, District- Raipur, Chhattisgarh, Chhattisgarh
2. Chetan Kumar Dahariya S/o Shri Kejuram Dahariya, Aged About 28 Years, R/o Village Parsathih, Police Station Arang, Tahsil Arang, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
3. Bhikham Koshle S/o Shri Lukuru Koshle, Aged About 50 Years, R/o Village Parsathih, Police Station Arang, Tahsil Arang, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. Bhurwa @ Omprakash S/o Ramanand Bandhe, Aged About 32 Years, R/o Village Parsathih, Police Station Arang, Tahsil Arang, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through The Police Station Arang, District Raipur, Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicants – Ms. Mandavi Bhardwaj, Advocate on behalf of Mr. Malay Kumar Bhaduri, Advocate.

For Non-applicant/State – Mr. Vijay Bahadur Singh, Panel Lawyer.
Mr. Vikash Shrivastava and Mr. Arvind Shrivastava,
Advocates for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 19-11-2017 in connection with Crime No.451/2017 registered at P.S. Arang, District Raipur, Chhattisgarh for the offence under Section 294, 323, 324, 326, 506/34 of the IPC.
2. It is submitted on behalf of the applicants, that the applicants have been falsely implicated in this case. No case is made out under Section 326 of the IPC, all the offence are triable by JMFC. The applicants are in jail since 19-11-2017. There is no likelihood of their absconding and they are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that they

may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Learned counsel for the objector submits that no case is made out for grant of bail as the complainant in this case has suffered grievous head injury.

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

6. On the date of incident the applicants with common intention to assault and injure the complainant and others assaulted complainant Tufan Singh with club and rod, on account of which, he was required to be admitted in the hospital from 20-10-2017 to 06-11-2017. After lodging of the FIR, the case has been investigated and charge sheet has been filed.

7. Considered on the submissions made and the contents of the case diary.

8. As per the medical report, the complainant has suffered grievous injury on the skull bone of his head. As there is no such internal head injury involving brain matter and as the charge sheet has already been filed and no purpose would be served if the applicants are kept in detention till conclusion of the trial, I am of this view that the applicants should be released on bail during pendency of the trial against them.

9. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge