

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8072 of 2017

1. Santosh Suryavanshi, S/o. Ratan Lal Suryavanshi, Aged About 30 Years,
2. Sant Suryavanshi, S/o. Ratan Lal Suryavanshi, Aged About 19 Years,
Both R/o Village Nirtu, Bazarpara Suryavanshi Mohalla, Police Station Koni, District Bilaspur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Koni, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vinod Tekam, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 323/2017, registered at Police Station- Koni, District – Bilaspur (C.G.) for the offence punishable under Section 307, 324, 294, 506-B, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out under Section 307 of I.P.C., whereas, the other offences are bailable in nature. It is further submitted that in the same incident, the

applicants have also received injuries, which were inflicted by the complainant because of which on the basis of FIR lodged by them, counter case has been registered as Crime No.324/2017 in Police Station – Koni, District – Bilaspur. Applicants are in jail since 09.10.2017, they are ready to abide by all the conditions imposed for grant of bail, hence, it is prayed that the applicants be enlarged on regular bail.

3. Learned State counsel opposes the application and the submission made in this respect. It is submitted that the injury caused to the Ramavatar and Pankaj with the use of axe, which is dangerous weapon and further Ramvatar has suffered fracture on his skull, hence, there is sufficient evidence to make out a case of attempt to murder, hence, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per the prosecution case, on the date of incident at about 8 PM in the night, when the complainant Ramavtar was on his way to home, applicant No.1 using abuse words for him assaulted him with an axe causing injuries on his head, when Pankaj Suryavanshi came to intervene in the incident, he was also assaulted by the applicant No.1 with axe and applicant No.2 also assaulted by the club causing injuries to him.
6. Considered the submissions made and the contents of the case diary. Perusal of the case diary shows that there is no such injury caused to any of the injured persons that were fatal in nature. Further although axe is sharp edged but the injuries appears to have been caused by the blunt edge because of which, lacerated wound have been inflicted

on the injured persons, arguments submitted on behalf of the applicant has substance for this reason, this Court is inclined to release the applicants on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge