

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8 of 2018

1. Sunil Kumr Patre S/o Resham Lal, Aged About 35 Years, R/o Village Baghmar, P. S. Fasterpur, Tahsil Lormi, District Mungeli Chhattisgarh, Chhattisgarh
2. Sanjay Kumar Patre S/o Resham Lal, Aged About 33 Years, R/o Village Baghmar, P. S. Fasterpur, Tahsil Lormi, District Mungeli Chhattisgarh , District : Mungeli, Chhattisgarh
3. Ranjeet Kumar Patre S/o Resham Lal, Aged About 30 Years, R/o Village Baghmar, P. S. Fasterpur, Tahsil Lormi, District Mungeli Chhattisgarh , District : Mungeli, Chhattisgarh
4. Uttra Kumar Patre S/o Bhola Ram Patre, Aged About 45 Years, R/o Village Baghmar, P. S. Fasterpur, Tahsil Lormi, District Mungeli Chhattisgarh , District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Fasterpur, District Mungeli, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicants – Shri Ram Narayan Sahu, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-03-2018

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 07-12-2017 in connection with Crime No.12/2017 registered at P.S. Fasterpur, District Mungeli, Chhattisgarh for the offence under Section 147, 149, 506, 323, 452 & 307 of the IPC.
2. It is submitted on behalf of the applicants, that the applicants are innocent and they have been falsely implicated in this case. In fact, there had been a free fight between the applicants and the complainant party. Applicant No.1 has lodged FIR against the complainant and others, which is counter case from the said incident, on that basis bailable offence was registered against the complainant and others. No case is made out under Section 307 of

the IPC according to the material present in this case. The applicants are in jail since 07-12-2017, they are local resident of District Mungeli and are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be released on bail.

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

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

5. The facts of the case are these, that on the date of incident the applicants and three others formed unlawful association on the place of incident with intention to cause injuries to the complainant and others. Thereafter, all of them using abusive words and threatening the complainant and others assaulted with club, sticks and kudari (a digging tool) causing injuries to Saukhidas, Manoj, Durpat, Hemkumari, Rajkumar and Vimala Bai. Saukhidas and Rajkumar suffered grievous injury. Hence, this case.

6. Considered on the material present in the case diary. There is no report of the examining doctor that any of the injury caused to any of the injured persons was fatal in nature, hence, after due consideration, I am of this view that these applicant should be released on bail during pendency of the trial against them.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge