

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3131 of 2019**

1. Nand Kumar Sinha S/o Bisauha Sinha Aged About 44 Years R/o Village Mohba, Police Station Lalbag, Tahsil And District Rajnandgaon Chhattisgarh
2. Santoshi Bai W/o Nand Kumar Sinha Aged About 40 Years R/o Village Mohba, Police Station Lalbag, Tahsil And District Rajnandgaon Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Lalbag, District Rajnandgaon Chhattisgarh

---- Non Applicant

For the Applicants : Shri Abhishek Sharma, Advocate

For Non Applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**08.05.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicants was rejected by this Court by order dated 25.02.2019 passed in MCRC No.1060 of 2019 considering the prima facie case.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.444/2018 registered at Police Station- Lalbag, District- Rajnandgaon (C.G.) for the offence punishable under Sections 294, 324, 506, 307/34 of Indian Penal Code.
4. Case of the prosecution, in brief is that applicant No.1 Nand Kumar Sinha is the son of complainant Bisauha Sinha and Smt. Chanda Bai Sinha, applicant No.2 Santoshi Bai is wife of applicant No.1 and daughter in law of the said complainants. On 06.11.2018 at about 10am applicant-Nand Kumar Sinha abused complainant Bisauha Sinha and gave threats to kill him. He had beaten him by hands and fists. Complainant Smt. Chanda Bai intervened, applicant No. 1 called applicant No.2 Santoshi Bai, she caused injury on the back of complainant Bisauha Sinha by blunt side of spade. Applicant No.2 also caused injury on the head of complainant Smt. Chanda Bai by sharp side of spade. As per the MLC report of complainant Bisauha one contusion was found on his back, injury was simple in nature. As per the MLC, complainant Smt. Chanda Bai Sinha one lacerated wound was found on her frontal region and fracture was found on her right foot, which was grievous in nature. As per the CT Scan of complainant Smt. Chanda Bai Sinha it was opined that leucunar infarct left thalamus was age related atrophic changes.
5. Learned counsel for the applicants submits that complainants Bisauha Sinha and Chanda Bai have been examined by the trial Court, they did not support the prosecution case, thus they may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. As per the photocopies of the statements of complainants Bisauha Sinha and Chanda Bai, which are the part of the bail application, they turned hostile and did not support the prosecution case, they had not stated anything against the applicants. Complainant Chanda Bai had stated that due to dizziness, she had fallen and injury was caused on her head. These circumstances are sufficient to enlarge the applicants on bail in the second round of litigation.
8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, they shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge