

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3859 of 2019

1. Nilesh Tandekar, S/o Shri Vinod Tandekar, Aged About 18 Years, R/o Kashiram Nagar, Raipur, Disrtict- Raipur, Chhattisgarh.
2. Raja Tandekar, S/o Shri Vinod Tandekar Aged About 19 Years R/o Kashiram Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station-Telibandha, District-Raipur, Chhattisgarh.

---- Respondent,

MCRC No. 3873 of 2019

1. Laxman Tandekar, S/o Late Namdev Tandekar, Aged About 41 Years R/o Purana Kashiram Nagar, Police Station-Telibandha, Tahsil And District-Raipur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Station House Officer, Police Of Police Station Telibandha, Raipur, District Raipur Chhattisgarh.

---- Respondent

MCRC No. 4402 of 2019

1. Vinod Tandekar, S/o Shri Namdeo Tandekar, Aged About 45 Years, R/o Kashiram Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Shobhit Mishra, Advocate in MCRC Nos.3859/2019 & 4402/2019.
		Mr.S.B. Pandey, Advocate in MCRC No.3873/2019.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/07/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. All these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are the first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.273/2019 registered at Police Station- Telibandha, District – Raipur(C.G.) for the offence punishable under Sections 307, 324, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants in all the cases. Infact, it had been an incident, in which, the complainant party had committed house trespass in the house of the applicants and assaulted and injured the applicants and others. The applicants defended themselves because

of which some injuries were caused to the members of the complainant party, therefore, in the said incident the applicant exercised their right to defence and in that process the members of complainant party received some injuries. From the applicant side also, one FIR has been lodged in police-station, on the basis of which the offence under Section 294, 452, 323 & 506 B has been registered against the complainant Bhavishya Tandi, hence, it is prayed that they may be released on regular bail.

4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that according to the evidence present in the case, it is clear that these applicants were the assailants, therefore, the applications do not deserve to be allowed.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident these applicants with intention to cause death of the complainant Bhavishya Tandi assaulted him with hands, fists and knife causing injuries to him, regarding which FIR has been lodged.
7. On perusal of the case diary, it appears that all the injuries caused to the complainants are incised wounds which cannot be regarded as fatal injury and, further, the place of incident also appears to be in-front of the house of the applicants, therefore, for the reason that there is counter case, on the basis of FIR lodged by the applicant side which may be a ground of defence of the applicant in the case, hence, after over all consideration, I am of this view that this is a fit case where the applicants should be released on bail during the pendency of the case against them.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha