

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3978 of 2019

1. Dileep Kumar Sengar S/o Shri Kanhaiya Lal Sengar, Aged About 57 Years, R/o Ward No.01, Near Hanuman Mandir, Sirgitti, Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho, Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRC No. 4092 of 2019

1. Shailendra Sengar S/o Shri Dileep Sengar, Aged About 25 Years, R/o Ward No.01, Hanuman Chowk, Sirgitti, P.S.Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Suryakant Sengar S/o Shri Dileep Sengar, Aged About 29 Years, R/o Ward No.01, Hanuman Chowk, Sirgitti, P.S. Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Shailendra Sonwani S/o Shri Gangaram Sonwani, Aged About 25 Years, R/o Ward No.02, Near High School Sirgitti, P.S. Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRC No. 4102 of 2019

1. Nirmal Kumar Sengar S/o Shri Ramnath Sengar, Aged About 24 Years, R/o Ward No.02, Sirgitti, Police Station- Sirgitti, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Sirgitti, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Achyut Tiwari, Advocate.

For State/Non-applicant – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2019

1. As all these three applications arise out of the same crime number, i.e., Crime No.100/2019 registered at Police Station – Thana Sirgitti, District Bilaspur, for offence under Section 147, 148, 294, 323, 435, 506, 307 of the

IPC and Section 25, 27 of Arms Act, they are being decided by this common order.

2. The applicants have filed these applications under Section 439 of the Cr.P.C. for grant of regular bail as they have been arrested in connection with aforesaid crime number and offence. Applicants in MCRC No.4092 of 2019 and MCRC No.4102 of 2019 have been arrested on 22-03-2019 and applicant in MCRC No.3978 of 2019 has been arrested on 06-06-2019.

3. It is submitted by learned counsel for all the applicants in these applications that the applicants have been falsely implicated in this case. The applicants in MCRC No.4092 of 2019 and MCRC No.4102 of 2019 are in jail since 22-03-2019 and applicant in MCRC No.3978 of 2019 is in jail since 06-06-2019. No offence is made out against these applicants regarding commission of offence under Section 307 of the IPC. It had been a simple incident of altercation between the applicants and the complainant party because the complaints were present on the spot to create nuisance. None of the injuries caused to the victim can be regarded as fatal in nature. The case has been investigated and charge sheet has been filed. Therefore, under these circumstances it is prayed that the applicants may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that injured victim Saif Raseed has suffered grievous injury on his skull and right thigh bone and the doctor has in query reported that in absence of proper treatment the victim might have died. Therefore, no case is made out for grant of bail.

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

6. According to the prosecution case, on 21-03-2019 it was the day of Holi festival when victim Saif Raseed along with Bobby and others was standing in front of the house of applicant Dileep Kumar Sengar and was waiting and it was at that time all the accused in furtherance of common object formed unlawful assembly armed with clubs, rods and swords attacked on the victim

and others. While others made their escape, the victim was caught by the applicants and was assaulted and injured.

7. On perusal of the medical report, it appears that the victim has suffered one un-displaced fracture on the frontal bone coupled with some hemorrhage and one fracture of the right femur bone. The doctor has not given any opinion that the injury caused to the victim was sufficient to cause his death in ordinary course of nature. The case now pending for trial. Therefore, under these circumstances I feel inclined to allow these applications.

8. Consequently, all these three applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are 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 in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge