

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4836 of 2019

1. Arun Patre, S/o. Padum Das Patre, Aged About 25 Years,
 2. Veeru Das Ratre, S/o. Phul Singh, Aged About 39 Years,
 3. Karan Singh, S/o. Padum Das Patre, Aged About 51 Years,
 4. Lilak Baghel, S/o. Padum Singh Baghel, Aged About 30 Years,
- All are R/o. Village Jhalri Chouki, Khudia, Police Station -Lormi, District Mungeli Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Chouki Khadia, Police Station -Lormi, District - Mungeli Chhattisgarh.

---- Respondent

For Applicants : Mr. Ajay Ayachi, Advocate

For Respondent/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/08/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.206/2019, registered at Police Station – Lormi, Chouki - Khadia, District – Mungeli (C.G.) for the offence punishable under Section 147, 148, 149, 294, 506, 323, 452 and 307/34 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. The applicants are in jail since 10.05.2019. The fact is this that the complainant party had assaulted the applicants party because of which one FIR was lodged in Police Out Post Khudia at 7.00 AM on 10.05.2019, subsequent to which, the complainant party has lodged the FIR in Police Station – Lormi on the basis of the written complaint at about 12.40 PM on the same day, which is deliberated and concocted. Member of the applicants party have also suffered grievous injury and offence U/s. 307 of I.P.C. has been registered against the complainant party also. Some of the accused persons in the counter case have been granted anticipatory bail by this Court. Therefore, it is prayed that the applicants may also be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant Arun Patre, Karan Singh and Lilak Baghel have previous criminal records and in this incident these applicants were the main assailants, who have caused fatal injuries to one of the victim Kunjram, therefore, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, this applicant along with other co-accused persons committed house trespass in the house of the victim Kunjram with preparation to cause hurt armed with clubs and sharp edged weapon. The unlawful assembly so formed, after abusing and threatening the complainant

and others assaulted and injured about 8 persons and one of the injured Kunjram suffered injuries on his head regarding which doctor has reported that, if the injuries were not treated in time that may have proved fatal.

6. Considered on the submissions made and the contents of the case diary. After considering all the facts and circumstances of the case and particular that there is a counter case, in which similar offence have been registered against the complainant side also, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their 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 trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge