

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4634 of 2019

1. Sonu Das S/o Shri Shikhan Das, Aged About 21 Years, Occupation - Labour, R/o Village - Kunkuri, Thana - Batouli, Tahsil - Kunkuri, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Shikhan Das S/o Late Shri Moharsay, Aged About 50 Years, Occupation - Agriculturist, R/o Village - Kunkuri, Thana - Batouli, Tahsil - Kunkuri, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- The State of Chhattisgarh Through The Station House Officer, Police Station Batouli, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicants – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Shri Jitendra Shrivastava, Advocate for the victim.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-09-2019

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 28-06-2019 in connection with Crime No.14/2019 registered at P.S. - Batouli, District – Surguja, Chhattisgarh for the offence under Section 294, 506-B, 323, 307/34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 28-06-2019. Firstly the offence under Section 294, 506-B, 323 of the IPC were registered against the applicants, for which they were granted bail by the police station itself. However, later on, on the basis of medical report, the offence under Section 307 of the IPC was added. No case is made out regarding offence of attempt to commit murder of victim in this case, who had undergone treatment only for four days and even if the medical report is to be accepted as it is, the offence

made out would be offence under Section 325 of the IPC. The charge sheet has been filed after completion of the investigation. Therefore, it is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the doctor has clearly opined that if the victim was not provided with timely treatment, he may have succumbed to the injuries, therefore, the application may be rejected.

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

5. According to the prosecution case, on the date of incident victim Anshu Das was talking to the daughter of applicant No.2, on seeing that the applicants abused, threatened and assaulted the victim with firewood causing him grievous injuries for which he had to undergo treatment.

6. On perusal of the injury report of the victim, it is found that the victim has suffered fracture in facial bones. After overall consideration on the facts, circumstances and evidence of this case, I feel inclined to allow this application.

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 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