

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6540 of 2019**

1. Dharendra Dhanapati S/o Akshay Dhanapati, aged about 22 years, (age not mentioned in cause title)
2. Uttar Kumar Dhanapati S/o Shivnath Dhanapati, aged about 68 years, (age not mentioned in cause title)
3. Murli Dhanapati S/o Shivnath Dhanapati, aged about 64 years, (age not mentioned in cause title)
4. Pradeep Dhanapati S/o Uttar Kumar Dhanapati, aged about 36 years, (age not mentioned in cause title)
5. Virendra Dhanapati S/o Uttar Kumar Dhanapati, aged about 33 years, (age not mentioned in cause title).
6. All resident of Khamharpali, Police Station : Singhoda, District Mahasamund (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station : Singhoda, District Mahasamund (C.G.)

---- Respondent

For Applicants	:	Shri Gurudev I. Sharan, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.
For Objector	:	Ms. Anusha Naik, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****18/10/2019**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.91/2019, registered at Police Station – Singhoda, District Mahasamund (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 324, 325 and 307 of I.P.C.
2. The prosecution story, in brief, is that on 14.07.2019,

complainant Laxman went to his field for watering where he saw that applicant No.1-Dhirendra Dhanpati was cutting mount (मेढ) of his field. When Jitendra Sahu, younger brother of Laxman, objected the applicant No.1 from doing so, he started abusing the complainant parties. On hearing the abusive words, brother of complainant and applicant Nos. 2 and 3 came to the spot, all the applicants started assaulting Jitendra and Laxman with the help of spade due to which complainant Laxman sustained injuries on his head and other parts of his body. In the incident, Jitendra also sustained injuries, and thereafter, report has been lodged by one Tapaneshwar Sahu. Initially, offence under Sections 294, 323, 324, 506 and 34 of IPC was registered. Later on, Section 307 has been added. The applicants have been arrested and taken into custody on 24.09.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the fight took place between both the parties in which applicants also sustained injuries and they have also lodged report against the complainant party. It is next submitted that though the injuries said to have sustained on vital part of complainant but it is simple in nature. He also submits that prima-facie no case is made out against the applicants under Section 307 IPC. He also submits that the applicants are in custody since 24.09.2019, charge sheet has not yet been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

4. On the other hand, learned State counsel and counsel for objector oppose the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, in particular that in the incident the applicants also sustained injuries, and further considering the fact that the applicants are in custody since 24.09.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.20,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge