

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7224 of 2019

1. Birendra Sahu S/o Shiv Narayan Sahu Aged About 40 Years R/o Village - Barampur, Police Station - Khadgawan District - Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Shiv Bahoran Sahu S/o Durjan Sahu Aged About 61 Years R/o Village - Barampur, Police Station - Khadgawan District - Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station - Khadgawan, District - Koriya Chhattisgarh.

---- Non-applicant

For Applicants	: Mr. Pawan Shrivastava, Advocate.
For Non-applicant/State	: Mr. Priyanshu Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-11-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is a *repeat* bail application filed by the applicants before this Court for grant of regular bail. The earlier bail application MCRC No.2684/2019 was dismissed as withdrawn on 12.07.2019. The applicants have been arrested on 9.2.2019 in connection with Crime No.192/2018, registered at Police Station - Khadgawan, District- Koriya, Chhattisgarh for offence punishable under Sections 452, 307 and 324 of the IPC.
2. It is submitted by learned counsel for the applicants that the applicants are innocent and have been falsely implicated in the case. The victim has not suffered any fatal injury, therefore, the case under Section 307 of the IPC is not made out. Similarly placed co-accused persons have been granted bail by this Court. Hence, it is prayed that the applicants be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the doctor has opined that in case the injuries were not treated immediately, the same could have proved fatal and these applicants are the main assailants in this case. Hence, the applicants are not entitled for grant of regular bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, these applicants and the co-accused persons committed house trespass in the house of the victim where these applicants threatened and pressurized the victim to compromise in the rape case filed by her and when she did not agree for this she was assaulted by sharp-edged weapons and clubs because of which, she suffered injuries.
6. On perusal of the medical report, the victim has suffered injuries and there is no report of any open injury or other injury which were result in her death. Some of the witnesses have been examined before the trial Court who turned hostile and not supported the case of the prosecution. Therefore, I feel inclined to grant regular bail to the applicants.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge