

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 847 of 2020**

1. Sonu Sharma S/o Gopal Sharma, aged about 24 years, R/o village Wadraf Nagar Ward No.13, Police Chowki Wadraf Nagar, District Balrampur Ramanujganj (C.G.)
2. Sunil Kushwaha S/o Gangaram Kushwaha, aged about 32 years, R/o village Wadraf Nagar Ward No.05, Chandouripara Police Chowki Wadraf Nagar, District Balrampur Ramanujganj (C.G.).

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Wadraf Nagar, District Balrampur Ramanujganj (C.G.)

---- Respondent

For Applicants	:	Shri Shakti Raj Sinha, Advocate
For Respondent	:	Smt. Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****19/03/2020**

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.172/2019, registered at Police Station – Wadraf Nagar, District Balrampur Ramanujganj (C.G.) for the offence punishable under Sections 294, 506, 323, 307, 427, 34 IPC.
2. The prosecution story, in brief, is that on 15.12.2019 at about 6.30 pm, while the complainant was working in his welding shop, the applicants came there asking as to why the hinge of his tractor was not welded and started abusing and assaulting the complainant. Thereafter, in the evening they again came back with J.C.B. machine, threatened him of dire consequences and broke the wall of his shop with JCB machine. Based on this, offence has been registered. The

present applicants have been taken into custody on 16.12.2019.

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 applicants were not having intention to cause injury to him or damage his shop. The applicants have been falsely implicated because of small dispute which arose due to the reason that tractor and JCB machine of applicants were not welded by the complainant on time and the machine was standing there for whole day without any service being done and when the applicants were taking back their machines, by mistake it broke a wall of complainants shop which gave rise to the dispute and a false case was lodged. He also submits that the applicants have not caused any serious injuries to complainant as is evident from the prosecution evidence and as such no case is made out under Section 307 IPC against the applicant. It is next submitted that the applicants are in custody since 16.12.2019, charge sheet has 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 counsel for the State opposed the bail application. Learned State counsel submits that the applicants with intent to cause death of complaint came with JCB machine, caused injuries to him and also damaged his shop.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of injury sustained by the complainant and further considering the fact that the applicants are in custody since 16.12.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants 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.25,000/- 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, till the disposal of trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde