

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3548 of 2020

Someshwar Sider @ Pecha S/o Chaman Sidar Aged About 45 Years Caste Gond, R/o Village Sundru, School Toli, P. S. Tapkara, District Jashpur Chhattisgarh
---- **Applicant**

Versus

State Of Chhattisgarh Through Sub Inspector, P. S. Tapkara, District Jashpur Chhattisgarh
---- **Respondent**

And

MCRC No. 3464 of 2020

1. Pratap Sidar @ Munna, S/o Bhagu Sidar Aged About 40 Years R/o Barkaspali Gadayartoli, Police Station Tapkara District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
2. Sanat Sidar S/o Bhagu Sidar Aged About 32 Years R/o Barkaspali Gadayartoli, Police Station Tapkara District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
---- **Applicants**

Versus

State Of Chhattisgarh Through Station House Officer Police Station Tapkara District Jashpur Chhattisgarh
--**Respondent**

For respective Applicants	:	Mr. A.K. Prasad, Advocate and Mr. Sanjeev Kumar Sahu, Advocate
For Respondent/State	:	Shri Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/08/2020

Heard.

1. The applicants have been arrested in connection with Crime No.14 of 2020 registered at Police Station- Tapkara, District Jashpur (CG) for the alleged commission of offence under Section 294, 506, 307, 34 of IPC.
2. Prosecution case is that the applicants and one another accused assaulted the victim with the help of club with intention to cause death and caused head injury.

3. Learned counsel for the applicants submits that the allegation of prosecution is exaggerated. There was no intention to cause death. Initially, crime under minor offences was registered but later on, in the CT scan, some fracture was seen, therefore, offence under Section 307 of IPC has been registered. The injury is not serious in nature. The victim was discharged in two days. There was no intention to cause death. It is further submitted that investigation is complete and charge-sheet has been filed.
4. On the other hand, learned counsel for the State opposes the bail application and submits that repeatedly assault on the head of the victim causing one fracture injury, prima facie shows that there was intention to cause death.
5. Taking into consideration the submission of learned counsel for the parties and material on record, nature and number of injuries, weapon used and that the investigation is complete, charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. 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/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge