

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1140 of 2020

1. Dilip Kumar Sahu S/o Moti Sahu Aged About 34 Years Resident Of Village Dindori (Chhatan) Tahsil Lormi, Thana Lalpur, District Mungeli Chhattisgarh.
2. Ram Kumar Sahu S/o Moti Sahu Aged About 28 Years Resident Of Village Dindori (Chhatan) Tahsil Lormi, Thana Lalpur, District Mungeli Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer Police Station Kota (Out Post Belgahna), District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Om Prakash Sahu, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

28/09/2020

1. The matter is heard through video conferencing.
2. The applicants have filed this second bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 79/2020, registered at Police Station: Kota (Out Post Belgahna), Distt. Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 326, 427 & 506 of the IPC.
3. First bail of the applicants and other co-accused person namely Bhikham Sahu was dismissed as withdrawn with liberty to file a fresh bail application vide order dated 09.06.2020 passed in MCRCA No.

615/2020.

4. In this case, there are total eight accused persons. According to the case of prosecution, on 01.03.2020, complainant Laxman Rajput lodged a report against the applicants and other co-accused persons alleging therein that on 01.03.2020 itself at about 2:15 PM, the applicants and other co-accused persons used filthy language with the complainant and his family members, threatened them to kill and also assaulted them due to that the complainant sustained grievous injury and other members namely Durgaprasad Sahu, Savitri Sahu and Sukhdev Sahu also sustained injuries. On the basis of report lodged by the complainant, offence has been registered against the applicants and other co-accused persons.
5. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some dispute with the complainant's party. He further submits that the complainant sustained grievous injury but, according to the contents of FIR, it has been caused by co-accused Ram Prasad. The other members have sustained simple injuries, therefore, no offence under Section 326 of the IPC can be made out against the applicants and except Section 326 of the IPC, all other offence are bailable in nature. The Counsel lastly submits that on the same facts and evidence, co-accused Bhikham Sahu already granted benefit of anticipatory bail by this Court vide order dated 05.08.2020 passed in MCRCA No. 762/2020. Hence, it is prayed that the applicants may also be granted benefit of anticipatory bail.
6. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that injury sustained by the complainant was caused by co-accused

Ramprasad and other injured persons were sustained simple injuries and further considering the fact that on the same facts and evidence, co-accused Bhikham Sahu already granted benefit of anticipatory bail by this Court. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.

9. Accordingly, the anticipatory bail application is allowed.

10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-
(Arvind Singh Chandel)
Judge