

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4691 of 2020

1. Basant Kumar Sonwani, S/o Inderman Sonwani, Aged About 32 Years
2. Omprakash @ Soni, S/o. Inderman Sonwani, Aged about 26 years
3. Rajendra @ Salim, S/o. Inderman Sonwani, Aged about 28 years

All are r/o Village Barbaspur, Police Station Tahsil and district Mahasamund Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Mahasamund Chhattisgarh

MCRC No. 5642 of 2020

- Indarman, S/o Dashru Satnami, Aged About 60 Years, Occupation Business R/o Village Barbaspur, Police Station Tahsil and District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Kotwali, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	: Shri V.K.Pandey, Advocate
For Respondent/State	: Ms. Sunita Jain, GA

Hon'ble Smt. Justice Rajani Dubey

Order on Board

28/08/2020

As both the MCRCs arise out of same crime number, they are

being heard and disposed of by this common order.

The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.230/2020 registered at Police Station – Kotwali, District Mahasamund(C.G.) for the offence punishable under Sections 323,307,147,148 and 149 of the IPC.

It is the case of the prosecution that the complainant who is the daughter of deceased has lodged a report alleging that on account of some land dispute, the applicants entered their house and assaulted her parents with axe and club and caused injuries.

Counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. He submits that earlier the applicants have lodged a report against the complainant party and therefore a counter case has been lodged against them. He submits that the injuries were simple in nature. He submits that the applicants are in custody since 19.05.2020 and 20.05.2020 respectively; charge sheet has been filed and the trial is likely to take some time for its final disposal, they may be released on bail.

On the other hand, counsel for the State opposes the bail application and submits that the injuries caused by the applicants was on the head i.e. vital part of the body.

Considering the facts and circumstances of the case, in particular, the detention period of the applicants and that the injuries were simple in nature, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

Accordingly, the applications filed under Section 439 Cr.P.C. are

allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

suguna