

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7154 of 2020

1. Om Prakash Khande S/o. Laxmi Prasad Khande, Aged About 30 Years.
 2. Rajesh Khande S/o Laxmi Prasad Khande, Aged About 18 Years.
 3. Dhani Ram Khande S/o Etwar Singh Khande, Aged About 34 Years R/o.
 4. Puniram Khande S/o Mehattar Khande Aged About 55 Years.
- All are R/o Village Pakadarha, P.S. Punjipathara District Raigarh, Civil and Revenue District – Raigarh, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Officer-In-Charge Police Station Punjipathara,
District Raigarh, Chhattisgarh.

--- Respondents

For Applicants	: Mr. Ashutosh Mishra, Advocate.
For Respondent-state	: Mr. Vikram Sharma, Dy. GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

15/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.143/2020, registered at Police Station –Punjipathara, District Raigarh, (C.G), for the offence under Sections 294, 506- B, 323, 325, 326, 34 of the Indian Penal Code, 1860.
2. Case of the prosecution is that on 07.07.2020, complainant -Meera Bai Khande and Fakadu Khande were working in agriculture field, at about 16:30 hours, present applicants entered the agriculture field, while abusing have assaulted Fakadu Khande by means of Iron Rod & Axe, due to which, Fakadu Khande suffered multiple injuries over his person. Incident was reported to concerned Police Station based upon which crime was registered against the present applicants.
3. Learned counsel for the applicants submits that complainant and applicants are relative and on account of some land dispute between them, the incident took place. Applicants have not committed the nature of offence as alleged against

them. He further submits that Fakadu Khande has suffered simple injuries. Applicants are the first offenders and they are in jail since 08.07.2020. Hence, applicants may be released on bail.

4. Learned counsel for the State opposes the bail application and submits that applicants entered the agriculture field of complainant and assaulted them by means of Iron Rod & Axe, in which Fakadu Khande suffered injuries and was admitted in hospital from 07.07.2020 to 09.07.2020. Hence, they are not entitled for grant of bail.
5. Heard learned counsel for both the parties and perused the case diary.
6. Upon asking with regard to the nature of injuries suffered by injured Fakadu Khande, the learned State counsel after going through the material in the case diary submits that there is no specific mention with regard to the nature of injury.
7. Taking into consideration the totality of the facts and circumstances of the case, cause of incident as discernible from the bail rejection order, material available in case diary and the fact that applicants, who are in jail since 08.07.2020, I am inclined to allow the bail application of applicants.
8. Accordingly, bail application is allowed. It is directed that the applicants shall be released on regular bail on their furnishing bail bond in the sum of Rs.10,000/- by each applicant with surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-