

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6757 of 2020

Sunderlal Choudhary S/o Shri Chhabilal Choudhary Aged About 55 Years R/o Khudiram Bos Chowk, Tarbahar, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar , District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

MCRC No. 6771 of 2020

1. Rashmi Choudhary W/o Dhaniram Choudhary Aged About 42 Years R/o Khudi Ram (Wrongly Mentioned As Khudi Ram) Bos Chowk, Tarbahar, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Dhaniram Choudhary S/o Chabilal Choudhary Aged About 45 Years R/o Khudi Ram Bos Chok, Tarbahar, Bilaspur, , Tahsil And District Bilasur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Shri Shakti Raj Sinha and Shri Om Prakash Sahu,
Advocates

For State : Shri Ravish Verma, Govt. Advocate

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

Order On Board

19/11/2020

Heard.

1. MCRC No. 6757 of 2020 and MCRC No.6771 of 2020 are being disposed off

by this common order as both the applications arise out of same crime number.

2. The applicants are arrested in connection with Crime No.137/2020 registered in Police Station – Tarbahar, Bilaspur, District -Bilaspur (CG) for alleged commission of offence under Sections 307, 34 IPC and Sections 25, 27 of the Arms Act.
3. Case of the prosecution, in brief, is that on the date of incident, co-accused Rahul assaulted victim- Sonu by the knife at vital places of the body with intention to cause his death. Allegation against the applicants – Sunderlal Choudhary, Rashmi Choudhary and Dhaniram Choudhary is that they were also present at the spot. Sunderlal Choudhary is uncle and Rashmi Choudhary and Dhaniram Choudhary are mother and father of Rahul and they all joined Rahul sharing common intention to assault Sonu with intention to cause his death.
4. Learned counsel for the applicants would submit that the involvement of Sunderlal, Rashmi and Dhaniram is highly doubtful as suddenly, a dispute arose at the spot and allegation of assault is on Rahul and all the injuries are stated to be simple in nature. Learned counsel for the applicants further submits that there is discrepancy in the medical report prepared by private hospital as according to MLC, injuries are only lacerated in nature which shows that allegation of assault by knife is false. Learned counsel next submits that investigation is complete and charge sheet has also been filed, therefore, at this stage the applicants may be granted bail.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that though assault was given by Rahul, the allegation against the applicants Sunderlal Choudhary (uncle), Rashmi Choudhary (mother) and Dhaniram Choudhary (father) is that they were also present at the spot and uncle Sunderlal also gave assault to victim by wooden plank and they also caught hold of the victim to facilitate assault.
6. Taking into consideration the submissions made by learned counsel for the parties, considering that the injuries are simple in nature, MLC shows injury as lacerated and further that the allegation of assault is mainly on Rahul and

not on present applicants and further taking into consideration that the investigation is complete and charge sheet has been filed, I am inclined to grant bail to the present applicants.

7. The applications are accordingly allowed. 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 two local sureties each, 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.

Sd/-
(Manindra Mohan Shrivastava)
Judge