

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6910 of 2020**

1. Babulal Pando, S/o Late Karan Sai, aged about 40 years, Caste- Pando, R/o- Rakeya, Sitapur, P.S.- Charcha, District- Koriya (CG)
2. Rajan Pando S/o Shri Ahibaran, aged about 38 years, Caste- Pando, R/o- Rakeya, Sitapur, P.S.- Charcha, District- Koriya, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, Through- Police Station- Charcha, District- Koriya (CG)

---- Respondent

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| For Applicants | : | Mr. Pushkar Sinha, Advocate             |
| For Respondent | : | Mr. Siddharth Dubey, Dy. Govt. Advocate |

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**Hon'ble Mr. Justice Parth Prateem Sahu****Order On Board****08.12.2020**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants, who are in custody since 6.8.2020 in connection with Crime No.100/2020 registered at Police Station Charcha, District Koriya (CG) for commission of the offence punishable under Sections 341, 294, 506, 323, 307, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that when Yogesh Rajwade & Chamaru were returning to their house situated in village Sitapur, the applicants stopped them on the way and started abusing them. Samaru somehow managed to flee from the spot. Applicants assaulted Yogesh Rajwade and caused injuries on his head and other parts of the body.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the offence in question by narrating false and cooked-up story. It is the victim himself who came to

the house of applicants asking for liquor and on their refusal, he got annoyed and started quarrelling with applicants and in that process he suffered injuries on his person. He further submits that it is alleged that injuries were caused from the sharp side of axe, but as per opinion of the doctor, the injuries were caused by blunt object. The applicants are in custody since 6.8.2020, the charge sheet has already been filed and they had no criminal past. Hence prayed that applicants may be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that incident took place in the night at 7.30 p.m., applicants have intentionally stopped the injured victim and Samaru, who were returning their home, and assaulted Yogesh Rajwade by axe causing grievous injury on his head. Yogesh Rajwade was admitted in the hospital where he took treatment as in-patient from 25.7.2020 to 30.7.2020, which shows grievousness of injuries caused to him. Learned counsel also points out that as per MLC report, injury No.1 suffered by the injured is reported to be dangerous to life.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the overall facts and circumstances of case, nature of allegation levelled against the applicants by the injured victim and further considering the fact that injury is not caused by applicants from sharp side of axe but injury suffered by the injured is from the blunt side, as opined by the doctor, there was no fracture on skull of injured, the applicants are in custody from 6.8.2020, without commenting anything on merits of the case, I am inclined to release the applicants on regular bail.

7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.10,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
- a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
  - b) They shall not, in any manner, tamper with the prosecution witnesses.
  - c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.
8. Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
Judge

roshan/-