

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7063 of 2020

1. Sukul S/o Ghursay, Aged About 58 Years, Caste Agariya, Resident of Village Laxmangarh, Police Station and Tahsil Udaypur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Bhunda @ Dhaneshwar S/o Sukul, Aged About 30 Years, Caste Agariya, Resident of Village Laxmangarh, Police Station and Tahsil Udaypur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Krishna S/o Sukul, Aged About 23 Years, Caste Agariya, Resident of Village Laxmangarh, Police Station and Tahsil Udaypur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Udaypur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants – Shri V.K. Pandey, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 15-07-2020 in connection with Crime No.89/2020 registered at Police Station - Udaypur, District Surguja, Chhattisgarh for the offence under Section 307 read with Section 34 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. In fact it had been a simple scuffle in which no injury of fatal nature was caused to the victims of the case. The offence under Section 307 of the IPC is not at all made out. The applicants are in jail since 15-07-2020. Charge sheet has been filed. Therefore, it is prayed that they may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the injured witness has very clearly stated about the attempt committed on his life, therefore, the applicants are not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, it is alleged that on the date of incident when the complainant, injured and other witnesses were working on their agricultural field, these applicants arrived on the spot raising objection, which led to a quarrel and thereafter the applicants assaulted Ramdev and Tuleshwar and others with axe and clubs causing injuries to them. Regarding which FIR has been lodged and offence have been registered.

6. Considered on the submission and facts present in the case. The injury report mentions only about infliction of two lacerated wounds to one of the injured and one lacerated wound to Tuleshwar. Therefore, I am of this opinion that it is a fit case for grant of bail.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge