

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7503 of 2020

1. Mahesh Kumar Pali S/o Sukhram Pali, Aged About 25 Years, R/o Village - Bodhai Kunda, Police Station - Pipariya, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
2. Surendra Singh Parihar S/o Kunjbihari Parihar, Aged About 32 Years, R/o Village - Bodhai Kunda, Police Station - Pipariya, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, Through - SHO, Police Station - Pipariya, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicants – Shri Vaibhav A. Goverdhan, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

06-11-2020

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 14-07-2020 in connection with Crime No.210/2020 registered at P.S. - Pipariya, District - Kabirdham, Chhattisgarh for the offence under Section 307, 294, 506/34 of the IPC.

2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case because of enmity with the complainant side. There is no allegation against applicant No.1 regarding making any fatal assault. As regards applicant No.2, it is alleged that he assaulted with a knife, but the injury caused to the victim was not fatal and the same was only one incised wound. Therefore, case under section 307 of the IPC is not made out. The doctor has also not given opinion that the injury caused to the victim may have been fatal or not. The applicants are in jail since about four months. Charge sheet has been filed. Therefore, it is prayed that the applicants may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that it is a clear case of attempt to murder. The injury caused to the victim was stab injury because of which the victim had to be operated and taken treatment after admission in the hospital for seven days and he has to revisit the hospital for follow up. Applicant No.2 has a previous history also. Therefore, the applicants are not entitled for grant of bail.

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

5. As per prosecution case, on the date of incident applicant No.1 had a quarrel with complainant Shailendra Verma for the reason that some Chhattisgarhi songs were being played in the music system. It was at that time applicant No.1 Mahesh Kumar Pali and one co-accused assaulted the complainant with hands and fists, whereas applicant No.2 Surendra Singh Parihar assaulted him with a knife causing one injury on his abdomen.

6. Considered on the submissions and the facts present in the case. Complainant in this case has already undergone treatment and his life is no longer in danger. Further, the charge sheet has been filed and the case is now pending for trial. Therefore, there appears to be no requirement for continuous detention of both these applicants in jail. Hence, for these reasons I feel inclined to allow this application.

6. 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge