

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 328 of 2021**

1. Bhadu Singh Meravi, S/o Mantu Singh Meravi Aged About 55 Years
2. Smt. Kevra Bai W/o Bhadu Singh Meravi Aged About 50 Years

Both R/o Village Barendra, Near Government Rest House, Police Station-
Rengakhar, District- Kabirdham (Chhattisgarh) ---- **Applicants (In jail)**

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-
Rengakhar, District- Kabirdham (Chhattisgarh)

---- **Respondent**

For Applicants	: Shri Dharmesh Shrivastava, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

11.06.2021

1. Applicants have preferred this application under Section 439 CrPC for grant of regular bail as they were arrested in connection with Crime No.29 of 2020 registered at Police Station Rengakhar, District- Kabirdham CG for the offences punishable under Sections 294, 323, 506-B and 307/34 of the IPC.
2. Case of the prosecution in brief is that on 27.06.2020 when complainant Hem Singh went to the house of Tekam Singh along with his brother, at that relevant time, present applicants on account of some old enmity, started abusing them in filthy language, threatened for life, started assaulting the complainant by means of hand, fist and club. Bhadu Singh assaulted the complainant by means of brick on his head, due to which he suffered grievous injury on his head. He was admitted in hospital from 28.06.2020 till 08.07.2020. Initially, complaint was made for the offences punishable under Sections 294, 323, 506 and 34 of the IPC. After the report of Doctor, offence under Section 307 was also registered against the present applicants.

3. Shri Dharmesh Shrivastava, learned counsel for the applicant submits that it is the complainant, who along with his brother came to the spot and abused them due to which the incident took place. He further submits that applicants were not armed with any weapons and there was no intention to commit any offence as alleged against the present applicants. As per the allegation, grievous injury received by the complainant on his head was by means of brick, lying on the spot. Complainant was admitted for treatment on 28.06.2020 and has been discharged from the hospital on 08.07.2020, there was no bony injury suffered by the complainant and the applicants are in jail since 05.10.2020. Investigation is completed and charge-sheet has already been filed.

4. Shri Vimlesh Bajpai, learned Government Advocate for the State opposing the submission made by learned counsel for the applicants submits that complainant suffered grievous injury on his head, assault by means of brick, was by Bhadu Singh. Looking to the nature of allegations and commission of act, applicants are not entitled for grant of bail under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegations levelled against the applicants, injuries suffered, further considering the material available in case diary; charge-sheet has already been filed and that the applicants are in jail since 05.10.2020, without commenting anything on merits of the case, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants be released on regular bail upon furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma