

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1272 of 2021**

- Suraj Kumar s/o. Late Jeevan Lal Pahari, aged about 30 years, r/o. Chuchuhiapara, Ganesh Nagar, Sirigitti, PS Sirigitti, District Bilaspur

---- Applicant**Versus**

- State of Chhattisgarh through Station House Officer, Police Station Sarkanda, District Bilaspur

---- Non-applicant

For Applicant	:	Mr. Pramod Verma, Sr. Advocate with Mr. Virendra Verma, Advocate.
For State	:	Mr. Sameer Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****17-05-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 2-2-2021 in connection with Crime No.554 of 2020 registered at Police Station Sarkanda, District Bilaspur (CG) for the offence punishable under Sections 294, 506, 323, 326 and 325 of IPC.
2. The case of the prosecution, in brief, is that on 8-6-2020 when the victim Anurag Shrivastava was talking to Shri S.S. Ratre, the applicant filthily abused the victim Anurag Shrivastava and his mother Smt. Vimla Shrivastava, threatened them with death and also caused injuries with a Shovel (Faawada) as a result of which

Smt. Vimla Shrivastava sustained two lacerated wounds on her face which could be caused by shovel whereas Anurag Shrivastava sustained fracture on his right thumb. When brother of Anurag namely Abhishek tried to intervene he also suffered fracture of right thumb.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, in fact the applicant is an employee of Engineer R.K Jain who is a contractor. Smt. Vimla Shrivastava had instituted several litigations including a civil suit against Smt. Madhuri Ratre wife of S.S. Ratre which has been dismissed and in the civil suit , the application for grant of temporary injunction has also been dismissed by the Court of VII Civil Judge, Class II Bilaspur. He would further submit that the applicant who is working as a Munim was supervising work being carried out by Shri R.K.Jain on the land of Smt. Madhuri Ratre which was the subject of litigation between her and Smt. Vimla Shrivastava. Anurag Shrivastava, his brother Abhishek and their mother Vimla Shrivastava came to the spot, threatened that they will not allow to carry out the construction activity and thereafter they abused him by caste and assaulted him as a result of which he sustained injuries for which he also lodged a report at Sarkanda Police Station and crime No. 553 of 2020 has been registered for offence punishable under Sections 294, 323, 506, 34 of IPC against the complainant party. He would further submit

that the injuries sustained by the victims are simple in nature and the they were discharged from hospital within four days. He would further submit that investigation has been completed, charge sheet has been filed, he is in jail since 2-2-2021, and conclusion of the trial is likely to take some time, therefore he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary and medical reports reveal that there was a dispute between both the parties in which both parties sustained injuries and the fact that the complainant Smt. Vimla Shrivastava was admitted in hospital on 8-6-2020 and was discharged from hospital on 11-6-2020.
7. Considering the facts and circumstances of the case, nature of injuries sustained by the victims and the fact that the applicant has also sustained injury for which he also lodged report against the complainant party and the fact that he was in custody since 2-2-2021, charge-sheet has been filed and there is no likelihood of the applicant tampering with evidence or absconding and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial.

Sd/-

(Narendra Kumar Vyas)
Vacation Judge

Raju