

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1506 of 2021**

1. Peela @ Prakashchandra Gupta S/o Shri Ramvriksha Gupta Aged About 44 Years Occupation Agriculturist
 2. Ritesh Kumar Gupta S/o Shri Prakashchandra Gupta Aged About 25 Years Occupation Agriculturist
- Both R/o Village Pataratoli, Police Station And Tahsil Darima District Surguja Chhattigarh.

---- Applicants**Versus**

State of Chhattisgarh through The Station House Officer
Police Station Darima, District Surguja Chhattisgarh.

---- Non-applicant

For Applicants	: Mr. Keshav Prasad Gupta, Advocate
For Non-applicant/State	: Mr. Shrikant Kaushik, P.L.
For objector	: Mr. Devershi Thakur, Advocate along with Ms. Sangeeta Soni, Advocate

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**07.07.2021**

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 21.01.2021 in connection with Crime No.14 of 2021 registered at Police Station Darima, District Surguja (C.G.) for commission of the offence punishable under Sections 341, 307, 427, 34 of Indian Penal Code.

2. Case of the prosecution is that, on 16.01.2020, injured Raj Mangal Singh was going to village Pataratoli on his car along with complainant Vinod Kumar Singh. When they reached village Salka, Prakash Chandra Gupta and Ritesh Kumar Gupta came there in another vehicle, stopped them and started assault on car by means of stones and club. As per complaint made by Vinod Kumar Singh, applicants dragged Raj Mangal Singh from the car and thereafter, assaulted him by means of club. In the said assault, Raj Mangal Singh suffered grievous injuries over his head. The incident was reported to concerned Police Station by Vinod Kumar Singh, one of the occupants of car, on the basis of which, crime was registered against present applicants.
3. Mr. Keshav Prasad Gupta, learned counsel for the applicants submits that there was previous enmity of the injured with the present applicants. He further pointed out that applicants have made complaint to concerned police station prior to the date of incident that even after repayment of loan of Rs.50,000/- taken by them from the injured with interest at the rate of 10% but even then injured was asking for money and making pressure to sell their property to him. He referred to the document Annexure P/2 in support of his submission. He further submits that complainant has not suffered any grievous injuries over his head, NCCT report of Brain is

normal and he was discharged from the hospital within six days of his admission. He also submits that the applicants are in jail since 21.01.2021, hence, they may be enlarged on bail.

4. Mr. Shrikant Kaushik, learned Panel Lawyer representing the State and Mr. Devershi Thakur learned counsel for the objector while opposing the submissions made by learned counsel for the applicants submit that the crime committed by applicants are grievous in nature. They submits that the injured suffered severe injuries over his head. As per NCCT of brain, there were two fractures on his head and one hematoma along with other minor injuries. They have also also submitted the document Annexure A/2, which is relied by learned counsel for the applicants and the complaint made by the applicants is false.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, injuries, particularly, two fracture injuries suffered by injured on his head, I do not find it to be a fit case to enlarge the applicants on bail. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge