

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1462 of 2021

1. Dhannu Chandrakar, S/o Hagru Chandrakar, Aged About 40 Years.
2. Janki Bai, W/o Dhannu Chandrakar, Aged About 34 Years.

Both are R/o Village-Khamaraiya, P.S. Kunda, Tehsil- Pandariya,
District- Kabirdham (C.G.)

--- Applicants

Versus

State of Chhattisgarh, through Police of P.S. Kunda, Tehsil- Pandariya,
District- Kabirdham (C.G.)

--- Respondent

AND

MCRC No. 1679 of 2021

Binnu Chandravanshi @ Vinod Chandravanshi, S/o Krishna Kumar
Chandravanshi, Aged About 38 Years, R/o Akhara, P.S.- Kunda,
District- Kabirdham (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through: Station House Officer Kunda, District-
Kabirdham (C.G.)

--- Respondent

For Applicants : Mr. Pallav Mishra, Advocate.
in MCRC No. 1462 of 2021

For Applicant : Mr. Ajay Ayachi, Advocate.
in MCRC No. 1679 of 2021

For State/ Respondent : Mr. Lalit Jangde, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

17/05/2021

1. Since common question of law and fact is involved in both the bail applications, they are heard together and are being disposed of by this common order.
2. **MCRC No. 1462 of 2021** is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested on 28.12.2020 in connection with Crime No. 231/2020, registered at Police Station- Kunda, District- Kabirdham (C.G.) for the offence punishable under Section 294, 506, 323, 34 & 326 of I.P.C.
3. **MCRC No. 1679 of 2021** is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 19.12.2020 in connection with Crime No. 231/2020, registered at Police Station- Kunda, District- Kabirdham (C.G.) for the offence punishable under Section 294, 506, 323, 326 of I.P.C.
4. Case of the prosecution in brief is that on 05.12.2020, when applicant No. 1- Dhannu Chandrakar, applicant No. 2- Janki Bai Chandrakar (in MCRC No. 1462 of 2021) and applicant- Binnu Chandravanshi (in MCRC No. 1679 of 2021) were working in the agricultural field, then complainant- Rajkumar inquired about sprinkler, which is owned by the complainant without his permission, they have utilized the sprinkler. This has annoyed them and they started abusing, thereafter, Dhannu Chandrakar has assaulted with Lathi and Binnu Chandravanshi has

assaulted with Tangiya, which has caused grievous hurt to the complainant. On the basis of complaint, criminal case has been registered against the applicants under Section 294, 506, 323, 34 & 326 of I.P.C.

5. Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in this case. There is a huge gap of time between commission of offence and lodging of complaint. There is no eye-witness. Applicants- Dhannu Chandrakar and Janki Bai Chandrakar are in jail since 28.12.2020 and applicant- Binnu Chandravanshi is in jail since 19.12.2020. Hence, it is prayed that these applicants may be enlarged on bail.
6. On the other hand, learned counsel for the State opposes the bail application submitting that the applicants have caused grievous hurt to the complainant, therefore, they are not entitled for grant of bail. Hence, both the applications for grant of bail may be rejected.
7. Heard learned counsel for both the parties and perused the case diary.
8. The applicants and the complainant are relatives and there is no previous criminal antecedents of the applicants. The applicants in MCRC No. 1462 of 2021 are in jail since 28.12.2020 and the applicant in MCRC No. 1679 of 2021 is in jail since 19.12.2020. Considering the fact that there is no previous criminal antecedents of the applicants and the fact that the final report

has already filed and that conclusion of the trial may take some time, without commenting anything on merits of the case, I am of the opinion that these are fit cases to grant bail to the applicants.

9. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that the **applicants in MCRC No. 1462 of 2021** shall be released on bail on their furnishing a personal bond for a sum of Rs. 50,000/- each with two solvent sureties each for the like amount to the satisfaction of the concerned trial court. It is also directed that the **applicant in MCRC No. 1679 of 2021** shall be released on bail on his furnishing a personal bond for a sum of Rs. 50,000/- with two solvent sureties for the like amount to the satisfaction of the concerned trial court. They shall appear before the trial court on each and every date given by the said trial court, till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Vacation Judge