

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO.1209 OF 2021

Premchand Jaiswal, S/o late Basant Prasad Jaiswal, aged about 48 years, occupation-Poultry Business R/o village Rampur (Khaalpara), Police Station and Tehsil Ambikapur, District Surguja (CG).

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Chowki Manipur, Thana Ambikapur, District Surguja (CG).

... Respondent

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MISC. CRIMINAL CASE NO.2503 OF 2021

Kushalram Sonwani S/o late Mahak Ram, aged about 19 years, R/o village Labji Baigapara, Chauki Manipur, PS & PO Ambikapur, District Surguja (CG).

... Applicant

Versus

State of Chhattisgarh, through in charge of Police Chowki Manipur, Police Statio, Ambikapur, District Surguja (CG).

... Respondent

For Applicants	:	Shri Sumit Singh Rathore and Ms. Priyanka Mehta, Advocates.
For Respondent-State	:	Shri SC Verma, Advocate General along with Shri Sidharth Dubey, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.05.2021.

1. Since both the applications are arising out of same incident and same crime, they are being disposed of by this common order.
2. These are first bail application seeking for grant of bail to the Applicants who are in jail since 20.01.2021 and 09.02.2021 respectively in connection with same Crime No. 464 of 2020 registered at Chowki Manipur, Police Station Ambikapur, Distt. Surguja for the offence punishable under Sections 279,337,294,307,323,324,506/34 IPC.

3. As per prosecution case, on 16.08.2020 on account of a road accident in which the vehicle driven by the present applicant hit one Virendra Rajwade and thereafter a fight took place between the two and in the process Virendra Rajwade, Raju Rajwade and Nilesh sustained certain injuries. An FIR was lodged against the present applicants along with one Tinku who is a minor and has already been enlarged on bail by the Juvenile Board.
4. The contention of the learned counsel for the applicants are that they have already remained in custody for a period of almost six months now and the nature of injuries suffered by the injured persons Virendra Rajwade and Raju Rajwade are too simple injuries. It is further contended by the counsel for the applicants that except for the offence under Section 307 IPC, all the other offences registered against them are all bailable offence and therefore both the applicants may be released on bail.
5. On the other hand, the State counsel opposing the bail applications submits that it is a case where the assault has been made with the head of the Axe (Tangi) and the injury received by Virendra Rajwade is on the head which is a sensitive area, but for the timely medical aid that was provided, it could have been fatal, therefore the applicants have rightly been prosecuted under Section 307 IPC and taking into consideration the short period of custody undergone, they do not deserve to be released on bail at this juncture.
6. Having heard the contentions put forth on either side and on perusal of records, admittedly the fight took place on account of a dispute that arose following road accident in which Pick-up Van driven by the

applicant Premchand Jaiswal hit one Virandra Rajwade. From the material available on record it also appears that the injured Virendra got discharged from the Hospital in less than two days time and the Doctors have opined that the injuries sustained by the two persons are simple in nature. It is only on a query being put by the prosecution that the Doctors have opined that in the event of timely medical aid not being provided, the injury suffered by Virendra could have been fatal.

7. Therefore, considering the totality of the facts and circumstances of the case particularly taking note of the period of custody undergone i.e. six months and also taking note of the fact that the injuries suffered by the two injured persons being simple in nature, this Court is of the opinion that these are fit cases where the Applicants can be enlarged on bail.
8. Accordingly, both the applications for grant of bail are allowed. It is directed that the Applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.50,000/- each with two sureties of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Vacation Judge