

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6102 of 2021

1. Sahdev Singh S/o Late Bhandari Ram, Aged About 37 Years, Occupation Agriculture,
2. Sanju Devi W/o Sahdev Singh, Aged About 36 Years, Occupation House Holder,

Both are Caste Gond, R/o- Village Devipur, P.S. Surajpur, District Surajpur (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh Through The Station House Officer Police Station Surajpur, District Surajpur (C.G.).

---- Non-applicant

For Applicants	:	Mr. A.N. Pandey, Advocate.
For Non-Applicant/State	:	Mr. C.B. Kesharwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

22/09/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 27/06/2021 in connection with Crime No. 288/2021 registered at Police Station Surajpur, District Surajpur (C.G.) for the offence punishable under Section 307 read with Section 34 of Indian Penal Code.
- 2) As per the prosecution case, the applicant No. 1 Sahdev Singh had borrowed an Axe from the complainant Raibhan Singh and was not returning the same to him. On the date of incident i.e. 26/06/2021 at around 02 PM when the complainant demanded his Axe back from the applicant No. 1 Sahdev Singh @ Sahasram, he started quarreling with the complainant and beat him with hands and fists. At that time applicant No. 2 Sanju Devi W/o Sahdev Singh came out

of her house with the said Axe and in an attempt to murder of the complainant assaulted with Axe on his head as a result of which he fell on the ground. When the wife of the complainant intervened, the applicants fled from the spot. On report being lodged to the above effect, the aforesaid offence has been registered against the present applicants.

- 3) Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case by the complainant Raibhan Singh. The ingredients necessary for attracting the offence under Section 307 of Indian Penal Code are missing in this case. He submits in fact the complainant was the aggressor and started quarreling with the applicants on the date of incident. No any internal injury was found on the body of the victim. The applicants were arrested on 27/06/2021. He also submits that there is no apprehension of the applicants tampering with the evidence or absconding, charge sheet has already been filed and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be also released on bail by this Court.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant No. 1 Sahdev Singh @ Sahasram have 02 criminal antecedents i.e. Crime No. 147/2009 under Section 379 of Indian Penal Code and Istagasha No. 609/2011 under Section 107, 116(3) of Code of Criminal Procedure whereas applicant No. 2 Sanju Devi has no criminal antecedents.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the applicants, that fact that the victim suffered only one lacerated wound on the right parietal region of size 4cmx1cm, there was no other injury on the body of the victim, the criminal antecedents of applicant No. 1 Sahdev Singh is of the year 2009 under Section 379 of Indian Penal Code, in particular the detention period of the applicants who are 37 and 36 years old

respectively, charge sheet has already been filed and the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the Counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
- v. they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge