

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.6394 of 2021

1. Dhobai Sidar, S/o Shaukilal Sidar, aged about 38 years
2. Sadhuraam Sidar, S/o Shaukilal Sidar, aged about 44 years
3. Vikas Sidar, S/o Dhobai Sidar, aged about 20 years.

All are R/o Village Hirri Taluka Baramkela, District Raigarh (CG)

---- Applicants (In Jail)

Versus

- State of Chhattisgarh, through Police Station- Baramkela, District- Raigarh (CG).

....Non-applicant

For Applicants	:	Mr. Praveen K Tulsiyaan, Advocate
For Non-applicant	:	Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

29.11.2021

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 5.1.2021 in connection with Crime No.218/2020 registered at Police Station Baramkela, District Raigarh (CG) for commission of offence punishable under Sections 294, 506, 323, 307/34 of IPC.
2. Case of the prosecution, in brief, is that on 18.10.2020 due to old animosity, applicants along with a juvenile co-accused had abused and assaulted injured Bhagirathi Malik by means of stick, club, axe. As a result, Bhagirathi Malik suffered grievous injuries on his person. He was immediately taken to hospital for treatment, thereafter report of incident was lodged based upon which crime in question is registered against applicants and they were arrested on 5.1.2021.

3. Mr. Praveen Kumar Tulsiyaan, learned counsel for applicants would submit that injured complainant himself was aggressor one as appearing from his statement recorded by the Executive Magistrate wherein he admitted that one year prior he has thrown stones on roof of applicant No.1 and since then there was dispute between them; on the date of incident, all four accused persons assaulted him. Injured remained admitted in hospital for about 25 days, but injuries suffered by him were not grievous. Injured was discharged from hospital without complication. He only suffered fracture injury over ulna bone and two lacerated wounds on occipital region. Hence, applicants may be released on regular bail.
4. On the other hand, Mr. Ajay Kumrani, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that four persons including applicants were involved in commission of alleged crime. Injured suffered two lacerated wounds on occipital region and one fracture injury over ulna bone. Condition of injured was serious, hence he took treatment in hospital for about 25 days. However, upon putting specific query with regard to condition of injured at the time of discharge, he submits that injured was discharged from hospital on 11.11.2021 without any complication.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations; statement of injured recorded by the Executive Magistrate, pre-trial detention period of applicant i.e.

from 5.1.2021, without commenting anything on merits of case, I am inclined to grant regular bail to applicants.

7. Accordingly, bail application is allowed and it is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of trial Court concerned on the conditions that;

- a) they shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) they shall not, in any manner, tamper with the prosecution witnesses.
- c) If applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-