

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6958 of 2021

Brijmohan Singh S/o Heeralal Singh Aged About 32 Years R/o Ward No. 1, Chanwaridand Thana And Tehsil Manendragarh, District Korea, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Manendragarh, District Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Hemant Kumar Agrawal, Advocate
For Non-applicant	:	Shri Dinesh Tiwari, Dy. Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

29/11/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No. 218/2021 registered at Police Station -Manendragarh, District- Korea (CG) for the offence punishable under Sections 294, 506, 323, 341, 307, 34 of IPC.
2. Case of the prosecution is that on 15.7.2021, when Jagarnath Singh was returning on motorcycle along with Kamal Yadav, just before his house on the way, applicant along with Rajkumari and Ramvati stopped the motorcycle driven by Kamal, started abusing Jagarnath Singh and assaulted him by means of hands and fists. The other persons have also stated that they will kill Jagarnath and thereafter

applicant has given a blow from *sabba* (iron crowbar) due to which Jagarnath suffered injury over his head and started bleeding. He would immediately taken to hospital and thereafter report was lodged.

3. Shri Hemant Kumar Agrawal, learned counsel appearing for the applicant would submit that the applicant has been falsely implicated due to some property dispute. Prior to incident, the injured/complainant along with fourteen other persons have abused and assaulted the applicant on 12.7.2021. The incident was reported on 13.7.2021 to the concerned police station, based upon which, crime bearing No.211 of 2021 was registered at police station-Manendragarh. The incident as alleged in the FIR occurred due to some property dispute. Applicant is nephew of injured Jagarnath Singh. Applicant has not assaulted the complainant by means of iron crowbar. He was not admitted in the hospital even for one day. Hence, the injury suffered by Jagarnath cannot be said to be grievous injury. The applicant is in jail since 1.8.2021, hence, he may be enlarged on bail.

4. Shri Dinesh Tiwari, learned counsel appearing for the State opposes the submissions made by learned counsel for the applicant and would submit that applicant along with two other accused persons intentionally stopped the motorcycle on which Jagarnath was travelling, started abusing him and thereafter assaulted him. The applicant has given blow with *sabba* (iron crowbar) due to which victim suffered fracture injury on temporal region of head. Hence, he is not entitled to grant of bail. However, he do not dispute the cause

of quarrel and the relationship between the applicant and complainant.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations, reason for which alleged incident is stated to have taken place, prior to date of alleged incident, applicant has lodged report against the complainant/injured along with fourteen other persons, based upon which, the crime bearing Crime No. 211 of 2021 was registered for commission of offence under Sections 147, 294 and 506 of IPC , I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge