

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6815 of 2021**

1. Dr. Kenwat S/o Jairam, aged about 37 years.
2. Shravan Kenwat, S/o Jairam, aged about 21 years.
3. Bhole Kenwat, S/o Jairam, aged about 19 years
all of the residence of village Salka P.S. Darima, District Sarguja (CG)

---- Applicants (In Jail)**Versus**

- State of Chhattisgarh, through PS Darima, District Sarguja (CG)

....Non-applicant

For Applicants	:	Mr. Vivek Kumar Pandey, Advocate.
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****13.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants as they are in custody since 28.8.2021 in connection with Crime No.88/21 registered at Police Station Darima, District Sarguja (CG) for commission of offence punishable under Sections 147, 148, 149, 307 of IPC.
2. Case of prosecution is that on 18.6.2021 when applicants and others were dancing in *barat* procession, Vikas Kenwat suffered injury as his leg came under foot of some person. Thereafter some dispute arose between Vikas Kenwat and Buddhu, they started quarrelling. When Pradeep, brother of complainant, tried to intervene, he was also assaulted by Vikas and his friends. After some time, applicants along with one another, armed with club and stone, came to house of complainant and assaulted him as a result he suffered grievous injuries. Incident was reported on same day at about 6:15 p.m., based upon which aforementioned crime is registered against applicants and co-accused Ashalata, wife of

applicant No.1.

3. Mr. Vivek Kumar Pandey learned counsel for applicants would submit that applicants have not committed any offence as alleged against them. In fact, complainant himself was aggressor. Quarrel took place between the parties when they were dancing in a *barat* procession. There was no intention of applicants to quarrel and cause injuries to complainant. Complainant has not suffered any serious injury on any of his vital parts. He was not even hospitalized at any point of time. Injuries suffered by complainant are simple in nature. Applicants are in jail since 28.8.2021, hence they may be enlarged on regular bail.
4. Per contra, Mr. Sudhir Sahu, learned Panel Lawyer for the State opposes submissions of learned counsel for applicant and submits that after registration of FIR, complainant was sent for medico-legal examination wherein doctor examining him noticed pain and swelling on right hand, left side of face and chest of complainant. Injuries have been stated to be grievous in nature. One another person by name Pradeep also suffered simple injuries in incident. However, on putting specific query with regard to criminal antecedents of applicants, he submits that there is no mention of any criminal antecedent against applicants in case diary.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegations; cause on which dispute arose between complainant and applicants; pre-trial detention of applicants i.e. since 28.8.2021; without commenting anything on merits of case, I am inclined to enlarge applicants on regular bail. 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 satisfaction of trial Court concerned on the conditions that;

- a) they shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
- b) they shall not, in any manner, tamper with 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/-