

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7928 of 2020

1. Kripa Ram S/o Hari Prasad, Aged About 19 Years R/o Karri, Police Chowki Balangi, Thana Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
2. Mehilal S/o Hari Prasad Aged About 25 Years R/o Karri, Police Chowki Balangi, Thana Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
3. Surajlal S/o Hari Prasad, Aged About 27 Years R/o Karri, Police Chowki Balangi, Thana Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
4. Javaheer Yadav S/o Hari Prasad, Aged About 32 Years R/o Karri, Police Chowki Balangi, Thana Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Chouki Balangi, Thana Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicants	:	Shri A.K. Yadav, Advocate
For State	:	Shri Mateen Siddiqui, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/01/2021

Heard.

1. The applicants are arrested in connection with Crime No.45/2020 registered in Police Station- Raghunathnagar, District- Balrampur Ramanujganj (CG) for alleged commission of offence under Sections 341, 294, 506, 323, 307, 147, 148 and 149 IPC.

2. Case of the prosecution, in brief, is that in a dispute concerning possession over encroached Govt. land, a quarrel took place between the accused and the complainant and it is alleged that in that incident, Mishri Lal, Shyam, Sukunya, Seeta and Devkunwar sustained injury on different parts of the body. According to the prosecution, the accused persons used club and axe with intention to cause death.
3. Learned counsel for the applicants would submit that at the spot, quarrel over possession of the land was spontaneous in nature and it is a case of free fight and accused-applicants party has also sustained injury. Learned counsel for the applicants submits that all the injuries which are stated to be caused are not stated to be grievous in nature nor any fracture injury has been caused. Learned counsel for the applicants submits that even no incised wound have been found, which shows that story of the victim party is exaggerated regarding alleged use of axe. Learned counsel for the applicants submits that the investigation is complete, charge sheet has been filed, therefore, at this stage, the applicants may be granted bail.
4. On the other hand, learned counsel for the State opposed the bail application by submitting that though the injuries are not found to be fracture injury or grievous injury, the manner in which the assault was laid by the accused persons with various weapons, prima facie, shows intention to cause death.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the nature of injury and the weapons alleged to be used and further taking into consideration that there are no grievous injury or fracture and according to applicants and story of the prosecution both, the dispute over possession of the land arose instantaneously, I am inclined to grant bail to the applicants.
6. The application is accordingly allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicants shall not act in any manner which will be prejudicial

to fair and expeditious trial; and

- (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Praveen