

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8198 of 2020

1. Khilavan Mahilange S/o Rupsaay Aged About 65 Years Resident Of Village Dukupathara, Thana Pali, District- Korba, Chhattisgarh
2. Chhoturam Mahilange S/o Khilavan Mahilange Aged About 25 Years Resident Of Village Dukupathara, Thana Pali, District- Korba, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate Korba, Through Police Station- Pali, District- Korba, Chhattisgarh

---- Respondent

For Applicants	:	Shri Vikas Pandey, Advocate
For State	:	Shri Lalit Jangde, Dy. Govt. Advocate

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

Order On Board

12/03/2021

Heard.

1. The applicants are arrested in connection with Crime No.237/2020 registered in Police Station -Pali, District- Korba (CG) for alleged commission of offence under Sections 307, 294, 506 read with Section 34 IPC.
2. At the out, learned counsel for the applicants seeks to withdraw bail application on behalf of applicant No.1- Khilavan Mahilange with liberty to revive in case there is no material progress in trial within three months.
3. Accordingly, with the liberty as prayed for, application of applicant No.1- Khilavan Mahilange is dismissed as withdrawn.
4. Case of the prosecution, in brief, is that in the matter of quarrel between the applicant and the victim who is brother of applicant No.1- Khilavan, victim was assaulted with axe and club with intention to cause death.

5. Learned counsel for applicant- Chhoturam Mahilange would submit that the prosecution story is exaggerated. Only one incised wound has been found on the forehead of the victim and the prosecution's allegation is that applicant No.1 was holding axe and he assaulted. The allegation against- applicant No.2- Chhoturam of having assaulted is not supported by any injury which could be said to be caused by the club. Learned counsel for the applicant further submits that as the investigation is complete and charge sheet has been filed, at this stage, applicant- Chhoturam may be granted bail.
6. On the other hand, learned counsel for the State opposed the bail application by submitting that though the allegation of giving assault on the victim with axe is on co-accused Khilavan, the genesis of dispute and the manner in which assault was made, clearly shows that applicant No.2 also shared common intention along with applicant No.1 to assault with intention to cause death.
7. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration the nature of weapon alleged to have been held by applicant- Chhoturam, medical report showing single injury on the forehead said to be caused by axe, the circumstances in which the dispute arose at the spot and further taking into consideration that the investigation is complete, charge sheet has been filed, I am inclined to grant bail to applicant- Chhoturam Mahilange.
8. The application of **applicant No.2- Chhoturam Mahilange** is accordingly allowed. It is directed that applicant -Chhoturam Mahilange shall be released on bail on his 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 that:-
 - (i) the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd//
(**Manindra Mohan Shrivastava**)
Judge