

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1208 of 2021**

1. Sampat Singh S/o Jainath Singh, Aged About 50 Years, Occupation Agriculture
2. Shobhran Singh S/o Jainath Singh, Aged About 55 Years, Occupation Agriculture
3. Dilip Singh S/o Late Shivnath Singh, Aged About 21 Years, Occupation Agriculture

All Caste Gond, All R/o Village Birimkela Patelpara, P.S. and Tehsil Batouli, District- Surguja (C.G.).

---- Applicants**Versus**

State of Chhattisgarh Through- Station House Officer, Batouli District- Surguja (C.G.).

---- Non-applicant

For Applicants : Mr. Nishikant Sinha, Advocate

For Non-applicant/State : Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

29.09.2021

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No. 68 of 2021 registered at Police Station Batouli, District Surguja (C.G.), for offence punishable under Sections 294, 323, 34, 506-B, 325, 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, on 16.07.2021, when complainant was sleeping under tree after consuming liquor, applicants who are cousins, on account of property dispute, have assaulted him by means of club. He suffered injuries over his

head and leg. After causing injury, applicants have left the place of incident. In the morning, Sanmati Bai and Manita Bai saw the complainant lying injured, who brought him to his house, thereafter, incident was reported to concerned Police Station, based upon which, aforementioned crime is registered against the present applicants.

3. Mr. Nishikant Sinha, learned counsel for the applicant would submit that initially offence is registered under Sections 294, 323, 34 and 506-B of IPC only. After registration of incident, Police made illegal demand of money from applicants, to which, they have not paid, thereafter, Investigating Officer called query report and added the offence under Section 325 and 307 of IPC. He further submits that even after taking into consideration the entire allegation available in First Information Report, offence under Section 307 of IPC would not be made out, hence, applicants may be enlarged on anticipatory bail.
4. Per contra, Mr. B.P. Banjare, Dy. Govt. Advocate for the State opposing the submissions made by learned counsel for the applicant, would submit that complainant has made specific allegation that all the three applicants came along with club and assaulted him. He further submits that complainant suffered fracture of tibia and lacerated wound on head, hence, applicants are not entitled for the benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, nature of injury suffered by complainant and

part of body, I do not find it to be a fit case to enlarge the applicants on anticipatory bail.

7. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh