

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7652 of 2021

Neelam Soni S/o Balram Prasad Soni Aged About 36 Years Cast
Sonar Village Karkoli, Police Station Bhatgaon, Tahsil Bhayathan,
District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Sho Bhatgaon District Surajpur
Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vidya Bhushan Soni, Advocate
For Non-applicant	:	Shri B.L. Sahu, Panel Lawyer

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

Order On Board

01/12/2021

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.94/2021 registered at Police Station- Bhatgaon, District- Surajpur (C.G.) for the offence punishable under Sections 294, 506, 323, 325, 307, 34 of IPC.
2. Case of prosecution is that on 16.7.2021 at about 8:00-9:00 p.m., when complainant was taking rest after irrigating his agricultural field through water-pump, at that time, applicant along with his father and mother came there and started making allegation that complainant has come to theft water-pump from their individual field. The present

applicant has given blow by means of spade on the head of complainant- Samayalal and also caused injury to his wife Vimla on his head. Both of them suffered grievous injury on their person. Incident was reported to concerned police station, based upon which, aforementioned crime was registered against applicant, his father-Balram and mother- Vimla.

3. Shri V.B. Soni, learned counsel for the applicant would submit that the dispute took place on trivial issue with regard to irrigating agricultural field. There was no intention of the applicant of causing any injury of such nature. As per the allegation itself, it is evident that the applicant and his parents have objected with regard to theft of motor-pump. Complainant himself was aggressor and in the free-fight, he suffered injury over his leg. Applicant also lodged report of the incident on 17.7.2021 making allegation of assault and also making an attempt to outrage modesty of his mother. Based upon the complaint, crime bearing No.93 of 2021 was registered against Samayalal in the same police station for offence under Sections 294, 323, 506 of IPC. The other two accused persons have been enlarged on anticipatory bail. Applicant is in jail since 8.9.2021. He also pointed out that as per MLC report available in charge sheet, there are no grievous injury on any vital part of body of complainant. The grievous injury as mentioned is fracture of left tibia bone, hence, the applicant may be enlarged on bail.
4. Shri B.L. Sahu, learned counsel for the State opposes the submissions of learned counsel for the applicant and submits that it is the applicant who is the main assailant, caused injury to

Samayalal and his wife Vimla. Vimla suffered injury over her head and Samayalal suffered fracture injury over his left tibia. Upon putting specific query with regard to period of treatment, he submits that Samayalal only took treatment as inpatient for a period of about 26 days. Hence, the applicant is not entitled to grant of bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegation, the manner in which the incident took place, the period of pre-trial detention as also the counter case filed by the applicant against Samayalal, without commenting anything on merits, 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