

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7721 of 2021

Manharan Sahu @ Bhurwa S/o Tulsiram Sahu Aged About 22 Years R/o Rawanbhata, Urkura, Tahsil And District - Raipur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Urla, District - Raipur (C.G.)

---- Respondent

For Applicant : Shri Shivendu Pandya, Advocate

For Non-applicant : Shri B.L. Sahu, Panel Lawyer

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

Order On Board

21/12/2021

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.181/2021 registered at Police Station- Urla, District- Raipur (C.G) for the offence punishable under Sections 294, 323, 506, 307/34 of IPC.
2. Case of prosecution is that on 15.6.2021 when the injured along with some other persons went to Sonu Dhaba for bringing food at about 10:00 pm, at that time, Dhanu Dhokal, owner of Sonu Dhabha has closed dhaba and his wife was preparing food for her family members. When injured along with other were present at

dhabha, applicant along with three other came to dhaba and they also asked for the food. During that time, a dispute arose between two groups that they will be given food first, upon which, owner of dhaba/complainant stated that he cannot prepare food in night, upon which, both the parties went back. In the next morning, owner of dhaba i.e. Dhanu Dhokal received information that there was fight between two group of persons and one Raman suffered head injury on his person. Thereafter, he lodged report on 17.6.2021 to concerned police station. Based upon which, aforementioned crime was registered against applicant along with Rohit Prasad and others. Applicant was arrested on 30.6.2021.

3. Learned counsel for applicant would submit that applicant has been falsely implicated in the crime as there was previous enmity between two groups due to political reason as father of injured is an elected councillor. He also pointed out that as per allegation levelled in FIR as well as statement of injured, it appears that there was previous dispute between two group of persons due to which incident took place. At the time of commission of offence, there was no intention of applicant or his associates to cause any injury to victim. It was sudden fight between two group of persons, applicant is in jail since 30.6.2021. It is also stated by learned counsel for applicant that applicant has having no previous criminal record. Thus, he may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that applicant has been

specifically named in FIR lodged by owner of dhabha and further, in the statement of injured, it has come that it is the applicant who caused injury by means of stone on his head which is grievous in injury. Injured suffered three fractures over his head. Hence, applicant is not entitled for grant of bail. However, upon asking as to any other criminal antecedent against applicant, he submits that in the case diary, there is no previous criminal record of applicant.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, manner in which the aforementioned incident is said to have been taken place, there is no previous criminal record against applicant as stated by learned counsel for the parties, tender age of applicant, period of his detention, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that applicant shall be released on regular bail upon his furnishing a bail bond in the sum of Rs.25,000/- with one 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) 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

Praveen