

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1689 of 2020

1. Rajalal Burman @ Bholu, S/o Ghanaram Burman Aged About 30 Years
2. Nagesh Burman S/o Ram Kumar Burman Aged About 18 Years
3. Santosh Burman S/o Ghanaram Burman Aged About 24 Years

All R/o Village Kosa, Police Station Mulmula, District Janjgir
Champa Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through S.H.O. Police Station Mulmula,
District Janjgir Champa Chhattisgarh.

---- Respondent

MCRCA No. 1701 of 2020

1. Ram Kumar Burman S/o Ghanaram Burman, Aged About 36 Years
R/o Village Kosa (Wrongly Mentioned In Cause Title As Vill-
Konsa), P.S. Mulmula, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through S.H.O. P.S. Mulmula, District
Janjgir Champa Chhattisgarh

---- Respondent

For Applicants

Mr. Ravindra Sharma, Advocate

For Respondent /State

Mr. Rajendra Tripathi, Panel Lawyer

Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board

18/2/2021

1. Since both the bail applications are arising out of same crime number i.e. 276/2020 they are being considered and decided by this common order.
2. The applicants have preferred these first bail applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.276/2020, registered at Police Station Mulmula, District Janjgir-Champa (CG), for offence punishable under Sections 294, 323, 34, 506-B, 326/307 of the Indian Penal Code.
3. Pursuant to the dispute relating to Panchayat election in which applicant of MCRCA No.1701 of 2020 [Ram Kumar Burman] lost election against Radheshyam [father of the complainant], Ram Kumar Burman had a grudge with the family and in furtherance thereof he assaulted and caused injuries to the complainant over parietal region by means of hockey stick whereas the other accused assaulted the complainant by hand & fist.
4. Per contra, learned counsel for the State would oppose the bail applications.
5. The main allegation of picking up of fight and assault by hockey stick is against Ram Kumar Burman, therefore, his case is not fit for his release on anticipatory bail. Similarly applicant No.2 in MCRCA No.1689 of 2020 [Nagesh Burman] has previous criminal antecedents of committing three offences and one of which is under Section 354 IPC, therefore, his case is also not fit in exercise of power under Section 438 Cr.P.C.
6. The applicants No.1 & 3 in MCRCA No.1689 of 2020 namely; Rajalal Burman @ Bholu & Santosh Burman, respectively are the first offenders and have not caused injuries on the parietal region of the complainant, therefore, this Court is inclined to release these applicants on anticipatory bail.

7. Accordingly, MCRC A No.1701 of 2020 filed by applicant Ram Kumar Burman and MCRC A No.1689 of 2020 filed in respect of applicant No.2 Nagesh Burman are rejected. In the event these applicants surrender and move the regular bail application, the jurisdictional Court shall consider and decide the same expeditiously.
8. MCRC A No.1689 of 2020 filed in respect of applicants No.1 & 3 Rajalal Burman @ Bholu & Santosh Burman is allowed and it is directed that in the event of arrest of these applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
- they shall make themselves available for interrogation by a police officer as and when required;
 - they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
 - they shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri