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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9248 of 2020

- Sevakram S/o Sher Singh Aged About 30 Years R/o Village Chingli, Out Post Jalbandha, P. S. And Tehsil Khairagarh, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Non-Applicant

MCRC No. 9352 of 2020

1. Dhaneshwar Verma S/o Sher Singh Aged About 21 Years R/o Village Chingli, Out Post Jalbandha, P.S. And Tehsil- Khairagarh, Dist.- Rajnandgaon, (C.G.), District : Rajnandgaon, Chhattisgarh
2. Sher Singh Verma S/o Bhikhu Verma Aged About 50 Years R/o Village Chingli, Out Post Jalbandha, P.S. And Tehsil- Khairagarh, Dist.- Rajnandgaon, (C.G.), District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate Rajnandgaon, Dist. Rajnandgaon, C.G., District : Rajnandgaon, Chhattisgarh

--Non-Applicant

For Applicants	:	Shri Rakesh Pandey, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy. G.A.
For Objector	:	Shri Shivendu Pandya, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10.02.2021

- 1) As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
- 2) At the outset, learned counsel for applicants seeks to withdraw

the bail application filed on behalf of applicant No.1-Dhaneshwar Verma in MCRC No. 9352/2020.

- 3) Accordingly, the bail application filed on behalf of applicant No.1-Dhaneshwar Verma i.e. MCRC No.9352/2020 is dismissed as withdrawn.
- 4) The applicants have preferred these bail applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 22.11.2020 in connection with Crime No.443/2020, registered at Police Station- Out Post Jalbandha, P.S. Khairagarh, District Rajnandgaon(CG) for the offence punishable under Sections 307, 34 of the IPC.
- 5) Case of the prosecution is that complainant Bhojeshwar Verma lodged a report to the concerned police that on 15.11.2020, at about 6.00 pm when his father- Ghasiram Verma was sitting in the betel shop, the applicants came there and started quarrel and abused on account of harvesting of crop by the Harvester in the field and applicant Dhaneshwar Verma saying that I will kill you, took out the knife kept in his pocket and stabbed the knife into stomach of his father, due to which his father received grievous injuries. Based on this, the applicants were taken into custody and knife was seized from the possession of Dhaneshwar Verma and in his memorandum statement he has admitted commission of offence.
- 6) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that on account of petty quarrel, there was hot talk and all of a sudden the incident had happened and except seizure of knife from the possession of applicant Dhaneshwar Verma, nothing has been seized from the possession of other applicants and applicant Sevakram even has not been named in the FIR. He submits that as the applicants have been arrested on 22.11.2020 and trial is likely to take some time for its final disposal, therefore, the applicants

Sevakram and Sher Singh Verma may be released on bail by this Court.

- 7) On the other hand, learned counsel for the Non-Applicant/State as well as counsel for the Objector oppose the bail applications. They submit that applicant Dhaneshwar Verma had stabbed the knife into stomach of the victim due to which he received grievous injuries.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the memorandum statement of the accused/applicant- Dhaneshwar Verma, in which, he has admitted that on account of dispute of Harvester, the quarrel had taken place and he has assaulted Ghasiram Verma with a knife in his stomach and knife has been seized from his possession, but nothing has been seized from the possession of the other applicants and even Sevakram has not been named in the FIR, these applicants are in jail since 22.11.2020 and conclusion of trial is likely to take some time, without commenting on merits, I am inclined to grant bail to the applicants Sevakram and Sher Singh Verma.
- 9) Accordingly, the bail applications filed on behalf of applicants Sevakram and Sher Singh Verma are allowed.
- 10) It is directed that in the event of applicants Sevakram and Sher Singh Verma executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail, on the following conditions:-

(a) 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 fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and

every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

8) In the result:

- ➔ MCRC No.9352/2020 filed on behalf of applicant No.1- Dhaneshwar Verma is dismissed as mentioned above.
- ➔ MCRC No.9248/2020 filed on behalf of applicant Sevakram and MCRC No. 9352/2020 filed on behalf of applicant No.2- Sher Singh Verma are allowed on the aforesaid terms and conditions.

Sd/

**(Gautam Chourdiya)
Judge**

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