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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1291 of 2023**

1. Durgesh Yadav S/o Bhagwat Yadav Aged About 32 Years
Occupation - Cow Drover, R/o Village - Charbhatha - Sonbarsa,
Police Station- Kawardha, District - Kabirdham (C.G.)
2. Gajanand S/o Bhagwat Yadav Aged About 24 Years
Occupation - Cultivator, R/o Village - Charbhatha - Sonbarsa,
Police Station- Kawardha, District - Kabirdham (C.G.)
3. Ramfal S/o Hirau Aged About 45 Years Occupation - Cultivator,
R/o Village - Charbhatha - Sonbarsa, Police Station- Kawardha,
District - Kabirdham (C.G.)
4. Tulesh S/o Ramfal Sahu Aged About 24 Years Occupation -
Labour, R/o Village - Charbhatha - Sonbarsa, Police Station-
Kawardha, District - Kabirdham (C.G.)
5. Sunil S/o Ramfal Sahu Aged About 22 Years Occupation -
Motor Winding, R/o Village - Charbhatha - Sonbarsa, Police
Station- Kawardha, District - Kabirdham (C.G.)

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station - Kawardha, District - Kabirdham (C.G.)

---- Respondent

MCRC No. 2830 of 2023

- Rambai Yadav W/o Bhagwat Yadav Aged About 51 Years R/o
Charbhatha- Sonbarsa, Police Station Kawardha, District :
Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer,
Police Station Kawardha, District : Kawardha (Kabirdham),
Chhattisgarh

---- Respondent

For Applicants	: Mr. Jitendra Shrivstava and Mr. Qamarul Aziz, Advocates
For Respondent/State	: Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****03.5.2023**

1. Since above mentioned two bail applications arise out of
same crime number registered in same Police Station, both are
being heard together and disposed of by a common order.



2. These are first bail applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.930/2022 registered at Police Station Kawardha Distt. Kabirdham (C.G.), for the offence punishable under Sections 294, 323, 324, 506 Part-II, 147, 148, 149, 307 of the Indian Penal Code.

3. Facts of the case, in brief, are that on 24.12.2022 when the complainant was cutting tree, the applicants and other co-accused persons reached to the spot, they abused the complainant, his mother and brother, threatened them and also assaulted them by means of axe with intention to kill them, thereby they sustained injuries.

4. Learned counsel for the applicants would submit that the applicants are innocent, they have been falsely implicated in this case. It is further submitted that quarrel took place between both the parties in respect of cutting of trees as both the parties claim their ownership of the trees. It is further submitted that the complainant party also assaulted the applicants, thereby both the parties sustained injuries. But medical report of the complainant and other injured persons of the instant case does not disclose that they sustained any grievous injuries and further there is no opinion of the doctor that the injuries sustained to them are likely to cause death. It is further contended that all the four injured persons were admitted in the hospital for about 3 days only. It is next submitted that the applicants in MCRC No.1291/2023 are in jail since 27.12.2022 and applicant in MCRC No.2830/2023 is in jail since 02.3.2023 and charge sheet has already been filed.

5. On the other hand, learned counsel for the State opposes the submission of learned counsel for the applicants.

6. I have heard learned counsel for the parties, perused the case diary and material available on record.

7. Having considered the contention made by learned counsel for both the parties, particularly considering the medical report of the complainant and other victims and also pre-trial detention of the





applicants, I feel inclined to grant bail to the applicants. Therefore, the applications under Section 439 of the CrPC are allowed. It is directed that in the event of each of the applicant executing a personal bond for a sum of Rs.25,000/- with one surety each of the like sum to the satisfaction of the concerned trial Court for their appearance before the concerned Court as and when directed by the said court, they be released on bail.

Certified copy as per rules.

SD/-

(N.K. Chandravanshi)
JUDGE

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