

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No.1185 of 2015

Hariram, S/o Chhabilal Sahu, aged about 78 years, resident of Village Charbhata, P.S. Gunderdehi, District Balod, Chhattisgarh

----- Appellant

versus

State of Chhattisgarh through Station House Officer, Police Station Gunderdehi, District Balod, Chhattisgarh

----- Respondent

Criminal Appeal No.1196 of 2015

1. Smt. Kamin Bai, W/o Bemun Sahu, aged about 40 years

2. Smt. Nirmala Bai, W/o Romlal Sahu, aged about 40 years

Both are residents of Village Charbhata, P.S. Gunderdehi, District Balod, Chhattisgarh

----- Appellants

versus

State of Chhattisgarh through Station House Officer, Police Station Gunderdehi, District Balod, Chhattisgarh

----- Respondent

Criminal Appeal No.1198 of 2015

1. Dhananjay, S/o Biselal Sahu, aged about 35 years,

2. Pawan Kumar, S/o Biselal Sahu, aged about 34 years,

3. Deolal, S/o Ramesh Sahu, aged about 20 years,

4. Romlal, S/o Dhanesh Sahu, aged about 45 years,

5. Domar, S/o Premlal Sahu, aged about 38 years,

6. Dalsingh, S/o Romlal Sahu, aged about 24 years,

7. Daleshwar, S/o Khamhanlal Sahu, aged about 21 years,

8. Devendra Kumar, S/o Romlal Sahu, aged about 21 years,

All are residents of Village Charbhata, P.S. Gunderdehi, District Balod, Chhattisgarh

----- Appellants

versus

State of Chhattisgarh through Station House Officer, Police Station Gunderdehi, District Balod, Chhattisgarh

----- Respondent

Criminal Appeal No.1428 of 2015

1. Lokesh Kumar, S/o Ramadhin Sahu, aged about 39 years, R/o Village Kalang Pur, P.S. Ranchirai, District Balod
2. Gendu Ram, S/o Kali Ram Sahu, aged about 45 years, R/o Char Bhattha, P.S. Gunderdehi, District Balod, Chhattisgarh

----- Appellants

versus

State of Chhattisgarh through Arkshi Kendra, Gunderdehi, District Balod, Chhattisgarh

----- Respondent

Criminal Appeal No.1398 of 2015

1. Ghondul Ram, S/o Laduram Mahto, aged about 60 years, R/o Kalangpur, Police Station Ranchirai, District Balod, Chhattisgarh
2. Shatruhan Lal, S/o Laduram Mahto, aged about 65 years, R/o Kalangpur, Police Station Ranchirai, District Balod, Chhattisgarh
3. Jhaggar Singh, S/o Laduram Mahto, aged about 68 years, R/o Kalangpur, Police Station Ranchirai, District Balod, Chhattisgarh

----- Appellants

versus

State of Chhattisgarh through Station House Officer, Police Station Gunderdehi, District Balod, Chhattisgarh

----- Respondent

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28/3/2016	<p>Shri N.S. Dhurandhar, Ms. Fouzia Mirza and Shri Vivek Sharma, Advocates for the respective Appellants.</p> <p>Shri U.K.S. Chandel, Panel Lawyer for the State/Respondent.</p> <p>Separate interlocutory applications have been filed in each appeal for grant of bail to the respective Appellants in a conviction dated 9.9.2015 by the Sessions Judge, Balod, District Balod, in Sessions Trial No.84 of 2014.</p> <p>Learned Counsel for the Appellants jointly submitted that the occurrence had taken place in three phases. The first assault was at the Kalamanch. The second when PW-1, Satyawan was chased to his house and some of the Appellants forcibly intruded in his house along with a mob of about 35 to 40 persons for which conviction has been ordered of all under Sections 435,</p>	

149, 452, 149 IPC for three years each read with Sections 427, 149 IPC for one year. The third occurrence was in the fields of Mayaram when the deceased Basant was assaulted by some of the named Appellants accompanied by a mob, in the presence of his wife PW-2, Parmabai. Urging grant of bail in the convictions under Sections 307, 302 IPC also, a short submission was made that the deceased had four incised wounds and one fracture while PW-2 had one incised wound in the occipital region dangerous to life, but there was no evidence at all as to which of the Appellants assaulted in what manner causing which injury. The allegations of assault on the deceased being omni bus in nature, the Appellants are entitled to grant of bail. Those who were present at the Kalamanch only and were not even present at the house of PW-1 or in the fields of Mayaram have also been convicted.

Learned Counsel for the State opposing the prayer for bail submitted that conviction is with the aid of Section 149 IPC creating a vicarious liability. Some of the Appellants have been identified as having taken the deceased from his house to the Kalamanch. Some of the Appellants have also been identified as chasing the deceased when he ran with PW-2 towards the fields of Mayaram.

Having considered the submissions on behalf of the parties, the nature of allegations of an omni bus assault by members of a mob, some of whom have been identified but with no specific attribution of any particular assault by them, that some of them were not even present at the house of PW-1, Satyawan or in the fields of Mayaram and may have been present at Kalamanch only, in the entirety of the matter, we consider it proper to enlarge the Appellants on bail.

All the interlocutory applications for bail are allowed.

It is directed that the substantive jail sentence imposed upon the Appellants shall remain suspended during the pendency of the appeals and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- with two sureties in the like sum to the satisfaction of the concerned Trial Court.

Personal appearance is dispensed with.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge