

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3876 of 2015**

Satish Prasad Jaiswal s/o Shri Kailash Prasad Jaiswal, aged about 32 years,
R/o Village-Batwahi, Police Station & Tahsil-Lundra, Civil & Revenue
Distt.Surguja (CG)

---Applicant

Versus

State of Chhattisgarh, through, Station House Officer, Police Station-Lundra,
Distt.Surguja (CG)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Anant Bajpai, Panel Lawyer
For Complainant/ Objector	:	Mr.Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.73/2015, registered at Police Station-Lundra, District-Surguja (C.G.), for the offence punishable under Sections 147, 148/34, 323, 294, 506-B and 307 of the IPC.

2. Case of the prosecution, in brief, is that the applicant and ten co-accused persons assaulted injured persons namely Satpal Singh, Tajinder Pal Singh and Jaspal Singh by hands, fists and wooden sticks, by which they suffered grievous injuries which were sufficient to cause their death and also abused them and threatened to kill them and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in

question. He would further submit that in fact, the injured/complainants were aggressors and they have assaulted Ramvichar Yadav, by which he suffered depressed fracture in his head for which F.I.R. on 21.6.2015 at about 8.10 p.m. has been lodged and pursuant to which offence under Sections 294, 323, 506B and 325 read with Section 34 of the IPC has been registered against the aforesaid injured persons including Tejpal Singh Arora. He would also submit that the applicant was not named in the F.I.R. and in fact, there is no such intention to commit murder of the injured persons. The dispute arose between the parties while reversing the vehicle, the applicant is in jail since 24.6.2015 and no useful purpose will be served by keeping the him in jail as substantive investigation has already been concluded.

4. On the other hand, learned counsel for the State would oppose the bail application and affirm the fact that on the basis of report of Ramvichar Yadav on 21.6.2015, offence under Sections 294, 323, 506B and 325 read with Section 34 of the IPC has been registered against Satpal Singh, Tejinder Pal Singh, Jaspal Singh and Tejpal Singh Arora as Ramvichar Yadav has suffered depressed fracture.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; registration of counter-case against the injured party; role of the present applicant; his pre-trial detention and injury suffered by Ramvichar Yadav, who made complaint on behalf of the accused persons, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-