

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5883 of 2015

Badam @ Ram Singh S/o Phool Singh, Aged about 45 years,, R/o. Malhapara, Shankar Ward, Mungeli, Police Station – City Kotwali, Mungeli, District – Mungeli (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through – Station House Officer, Police Station – City Kotwali, Mungeli, District Mungeli (C.G.)

---- Respondent

For Applicant : Mr. Anish Tiwari, Advocate

For Respondent : Mr. S.R. J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 385/2015 registered at Police Station- City Kotwali, Mungeli, District – Mungeli (C.G.) for the offence punishable under Sections 307 of IPC.
2. As per the prosecution case, in brief, is that on 04.09.2015 because of death of mother of the complainant he was going to Allahabad on 03.09.2014 when the guest were there in his house at that time the applicant and the complainant went to altercation and as the guest were being objected therefore, the applicant went to his house and came out with a sword and attacked on the complainant which was intervened by the guest and therefore, the offence has been committed.

3. Counsel for the applicant submits that the applicant is innocent he has been falsely implicated in this case. He further submits that in fact initially he was assaulted and when he went to lodge the report he was arrested and he was not medically examined. He further submits that all the injury sustained by the complainant is of simple in nature and therefore, he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and considering the nature of injury sustained by the witnesses which is according to the counsel for the State are simple in nature; further taking into account
6. perusal of the statement recorded under section 161 of Cr.P.C. wherein the prosecutrix has not supported the case of the prosecution and the fact applicant is in jail since 20.08.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)
Judge