

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5873 of 2015

Uddhav Yadav S/o. Tulsi Ram Yadav, aged about 25 years, Resident of Village Bamhoo, Police Station- Seepat, District Bilaspur (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through Police Station incharge Seepat, Bilaspur District Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	:-	Mr. Devesh Chandra Verma, Advocate
For Respondent/ State	:-	Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

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. 216/2015 registered at Police Station- Seepat, District – Bilaspur (C.G.) for the offence punishable under Sections 307 of IPC and 3(1)(x) of Scheduled Caste and Scheduled Tribe (prevention of Atrocity) Act, 1989.
2. As per the prosecution case, in brief, the complainant along with his uncle Nanhaiya and Harvansh reached near Bunti Shau's shop on his motorcycle. The applicant on the basis of previous animosity with one Narendra Kumar came with his Ashok Leyland bearing No. CG 10-R/ 0924 and tried to run over his vehicle on the motor cycle with an intention to kill him. Thereafter, assaulted the complainant by way of Jack road, as there was animosity which was existing between the parties and the complainant was the

Sarpanch and the applicant belonged to the post of Up sarpanch. Therefore, the offence is committed.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that there was no motive behind the entire incident and all the injuries sustained by the complainant are of simple in nature. He further submits that the applicant is in jail since 01.10.2015 and the charge sheet has already been filed in this case; therefore, he may be enlarged on bail.
4. State counsel opposes the prayer for grant of bail.
5. Perusal of the case diary and the medical report, it appears that no major injury has been shown. Considering the fact that charge-sheet has been filed in this case and the applicant is in jail since 01.10.2015, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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