

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6065 of 2015

1. Gajendra Tekam, aged 25 years, S/o. Krishna Ram Tekam, R/o. Village-Barari, Police Station – Rudri, Tehsil and District – Dhamtari (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Rajim, Civil and Revenue District Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Y.C. Sharma, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/11/2015

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.76/2015, registered at Police Station – Rudri, District Dhamtari (C.G.) for the offence punishable under Section 324 of the Indian Penal Code and Section 25 and 26 of Arms Act.
2. Case of the prosecution, in brief, is that on 04.08.2015, the complainant was taking rest at his badi, at that time, the applicant came and some altercation have been taken place and during such conversation, the applicant took out the arm, which is used to cut the bamboo and assaulted the victim 4-5 times on his head and on being objected, the victim also sustained injuries on his finger. The dispute arose out of the possession of the badi since both the parties claimed right over the property of each other.

3. Learned counsel for the applicant would submit that charge-sheet has been filed in this case. He would further submit that the injuries sustained by the victim is of simple in nature and considering the detention of the applicant, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the medical report and the nature of the injury and the fact that the charge sheet has been filed, the offence is triable by JMFC. Further taking into pre-trial detention of the applicant, 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 the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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/-
(Goutam Bhaduri)
Judge