

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6104 of 2015

Naresh Rajak S/o Asharam Rajak Aged About 33 Years Caste - Rajak,
R/o Of Kudkai, Police Station - Pendra, District - Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station -
Pendra, District Bilaspur Chhattisgarh

---- Respondent

For applicant –Shri Yogendra Chaturvedi, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/11/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 148/2015 registered in Police Station Pendra, District Bilaspur (C.G.) for offence punishable under Section 294, 323, 506-B, 307/34 of IPC.
2. As per the prosecution case, on 2/08/2015 a report was lodged that at about 7 pm one Rameshwar Rajak abused the complainant because of the previous enmity and thereafter also threatened him and thereafter he went away and subsequently at 7.30 pm when injured reached near Pandri Talab at that time Rameshwar Rajak and others came with club and thereafter assaulted him and thereby offence was committed.
3. Learned counsel for the applicant submits that had there been any intention to kill the injured, they would have killed in the spot as he was alone. Though axe has been stated to be used during such assault but it

has not been recovered. Injury of axe is also not present and therefore applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that injured was left unconscious and therefore it will amount to offence committed by the applicant.

5. Charge sheet in this case is filed. I have gone through the statement and the injury report, the club has been seized and further injury do not affirm that any injury by the axe. Taking into account nature of the offence and detention of the applicant and the fact that charge sheet is filed, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE