

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6615 of 2015

- Madhav @ Madho Yadav S/o Lakhan Yadav Aged About 34 Years R/o Village Nimoura, Police Station Rakhi, Civil & Revenue District, Raipur Chhattisgarh --- **Petitioner**

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station , City Kotwali Raipur District Raipur Chhattisgarh

--- **Respondent**

For the applicant	: Mr. Shiv Kumar Dadsena, Advocate
For the Respondent	: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.12.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 207/2015 registered at P.S. City Kotwali, Raipur (C.G) for the offence punishable under Section 20-B of NDPS Act as mentioned in the order sheet. However, as per the charge sheet, Crime Number is 63/2015 registered at P.S. Rakhi for the offences punishable u/ss 294, 307 & 326 IPC.
2. Case of prosecution, in brief, is that on 22.07.2015, the applicant asked for the purse of complainant Ranjit Maheshwari which was given to him and subsequently purse was returned. After some time, the complainant went to the applicant and contended that a note of Rs.500/- was less in the purse and on such allegations turned into quarrel whereby the applicant assaulted the complainant by means of a rod.

3. Learned counsel for the applicant submits that looking to the back ground of the incident which happened, it will not amount to causing intention to kill and the complaint and applicant were known to each other. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 23.07.2015, therefore, he may be enlarged on bail.
4. Learned State Counsel submits that in the bail rejection order by mistake, section 20-B has been written but actually the offence is under Section 294, 307 & 326 IPC which was registered as Crime No.63/2015 at P.S. Rakhi and the order has been corrected at the request of the State before the Court below. Photocopy of such order is filed before this Court.
5. Perused the case diary. Having regard to the facts and circumstances of the case and the way the offence took place and considering the fact that the charge sheet has been filed and the applicant is in jail since 23.07.2015, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum in connection with Crime No.63/2015 registered at P.S. Rakhi to the satisfaction of the concerned trial Court. He is directed to appear before the said Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE