

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 6929 of 2015**

1. Nilamber, S/o. Late Shri Ghasiya Sahu, aged about 35 years, Occupation-Agriculturist, R/o. Village Lendhra, P.S. Kosir, Tahsil – Sarangarh, District- Raigarh (C.G.)

----Applicant

**Versus**

1. State Of Chhattisgarh, Through : the District Magistrate, P.S. Kosir, District – Raigarh (C.G.)

---- Respondent

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| For Applicant        | : Mr. Raghavendra Pradhan, Advocate |
| For Respondent/State | : Ms. Sunita Jain, Panel Lawyer     |

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**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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.58/2015, registered at Police Station – Kosir, District – Raigarh (C.G.) for the offence punishable under Section 294, 506-B, 323, 452/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 02.08.2015, the complainant, Mahettar Sahu lodged a report at Police Station – Kosir that when he was at house, his nephew, the applicant with grand son, came on the allegation that they were not given land on partition, whereby altercation started and eventually both the parties entered into scuffle.
3. Learned counsel for the applicant would submit that both the parties have made counter report against each other and the dispute are in between family members arising out of partition of the land. He would

further submit that the applicant has been falsely implicated in this case. He would further submit that charge sheet in this case has been filed and the applicant is in jail since 05.11.2015, therefore, the counsel prays that 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. Having regard to the facts and circumstances of the case and taking into consideration the nature and the gravity of offence, considering the nature of injury, which are simple in nature and further considering the fact that the charge sheet in this case has been filed and the applicant is in jail since 05.11.2015, 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