

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 980 of 2015

1. Deepak S/o Niranjana Sahu Aged About 18 Years Occupation Student R/o Village Lendhra, P.S. Kosir, Tahsil Sarangarh, District Raigarh (Chhattisgarh).

---- Applicant

Versus

1. State Of Chhattisgarh Through: Station House Office, Police Station Kosir, District Raigarh (C.G.)

---- Respondent

For Applicant.
For Respondent/State.

: Shri Raghvendra Pradhan, Advocate.
: Shri A. K. Swarnakar, Panel Lawyer.

Order On Board

12/10/2015

1. The applicant is apprehending his arrest in connection with Crime No.58 of 2015, registered in Police Station- Kosir, District -Raigarh, (C.G.) for alleged commission of offence under Sections 294, 506-B, 323 and 452/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and other accused entered the house of the victim and assaulted him with hands, fists and club resulting in four contusion injury.
3. Learned counsel for the applicant submits that the applicant and the victim are related to each other. There is already a civil dispute with regard to partition going on before the Tahsildar and therefore, the applicant has been falsely implicated.
4. On the other hand, learned counsel for the State submits that victim Mehtar Sahu has clearly stated that Deepak and other co-accused Devendra assaulted him with hands and fists. The victim sustained four contusions. The victim happens to be the uncle of Nilamber. Applicant happens to be the grand son of the victim.
5. Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration that the allegation of assault by club are against accused Nilamber and considering that Deepak is not alleged to have used any weapon and the injury found on the person of the victim are more probable to have been caused by club, application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

Judge