

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7076 of 2015

1. Monu @ Manuraj Yadav, S/o. Late Ashok Yadav, aged about 27 years, R/o. Bangalipara, Sarkanda, Police Station-Sarkanda, Police Station – Sarkanda, District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station -Sarkanda, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. V.K. Pandey, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

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.191/2015, registered at Police Station – Sarkanda (wrongly mentioned as Masturi in the impugned order), District – Bilaspur (C.G.) for the offence punishable under Section 324, 294, 506, 323 & 326 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 21.05.2015, the complainant went to Thela shop of the applicant and consumed certain eatable articles, thereafter altercation has been taken place on payment of amount and in a result, the applicant has assaulted, the complainant by way of club and thereafter threw boiling oil whereby they sustained burn injuries.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that there is no motive attached to the entire issue as the altercation started

when the complainant themselves came down to the shop of the applicant, who runs Thela-shop and he lodged a report earlier. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 01.11.2015, 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 and the way the offence has been committed and further considering the fact that the charge sheet in this case has been filed and the applicant is in jail since 01.11.2015, 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