

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6149 of 2015

Swaplin @ Bunt S/o Sanjay Meshram Aged About 20 Years R/o
Premnagar Netram Gali Gudhiyari, Police Station Gudhiyari, District
Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Its Police Station Gudhiyari, Raipur
District Raipur Chhattisgarh.

---- Respondent

For applicant – Shri B.L. Sahu, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/11/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 72/2015 registered in Police Station Gudhiyari Raipur Civil & Revenue District Raipur (C.G.) for offence punishable under Section 307/34 of IPC & 25, 27 of Arms Act.
2. Case of the prosecution, in brief, is that brother of complainant, Mukesh, namely Vikash Kumar had dashed the motorcycle of the accused, which lead to quarrel. Subsequently, co-accused Avinash along with one other Manjeet went to the house of the complainant and called Vikash, when he was not available the applicant who was along with the co-accused assaulted Mukesh by fist and gupti was used by one Manjeet Singh and thereby he sustained injuries.
3. Learned counsel for the applicant submits that entire allegation of assault is against Avinash and Manjeet Singh and no averment have been

made against this applicant that he has over acted and no seizure is made from this applicant and he submits that considering the fact that he was only present, therefore applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Considering the role played by the applicant when Manjeet went to the house of Mukesh and Manjeet has used gupti and Avinash has used fist no specific direct allegation is made against this applicant to cause assault. Considering the role played by this applicant and further considering the evidence available, 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