

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6164 of 2015

Lakhan Tiwari, S/o. Sohan Lal Tiwari, Aged About 19 Years, R/o. Santoshi Chowk, J.K. Construction Gali, Kushalpur, P.S. Purani Basti, Raipur, Distt. Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through it's Police Station- Purani Basti, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Ravi Maheshwari, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.180/2015 registered at Police Station- Purani Basti, Raipur, District Raipur (C.G.) for the offence punishable under Section 294, 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 15.07.2015 a report was made that the complainant was standing near a Betel shop, at that time, the applicant came and there has been some altercation took place between the complainant and applicant. In a result, the applicant assaulted the complainant by way of Blade on his forehead and left neck and therefore, the offence has been committed.
3. Learned counsel for the applicant submits that the injury sustained by the complainant is simple in nature and intention cannot be

gathered since the incident occurred in spur of moment and there is no previous enmity. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 17.07.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature of injury and the fact that the charge sheet has been filed and considering the pre-trial detention of the applicant as he is in jail since 17.07.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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