

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6467 of 2015

1. Amit Josh, S/o. Archi Bold Morish, aged about 27 years, R/o. Qtr. No.1/F-Street No.31, Sector -6, Bhilai, District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station - Supela, District – Durg (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Uttam Pandey, Advocate
For Respondent/State	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2015

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.557/2015, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 394/34 of I.P.C.
2. Case of the prosecution, in brief, is that on 08.08.2015, the complainant, Shashank Verma was standing near the Mall at that time Arshad Ahmad asked him to bring the cigarette when the complainant refused, Arshad Ahmad called the applicant and other co-accused persons and thereafter, the complainant was assaulted by fist and above the eye, some injury was caused by some sharp object and also Rs.1,500/- was looted.

3. Learned counsel for the applicant would submit that the incident happened on pity things and the applicant is in jail since 21.08.2015. He would further submit that the charge sheet in this case has been filed and also pity dispute has been inflated. He would further submit that there compromise has been affected between the parties, therefore, would submit 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 fact the nature of allegations made against this applicant and further taking into the affidavit of the complainant, wherein no objection has been filed by way of affidavit, taking in to the nature of offence and degree of allegations, considering the detention of the applicant, 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