

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7151 of 2015

1. Jodhan, S/o. Gurbaru, aged about 45 years, R/o. Bankombo, Police Station-Narayanpur, Tahsil – Kunkuri, District – Jashpur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station - Narayanpur, District – Jashpur (C.G.)

---- Respondent

For Applicant : Mr. J.K. Saxena, Advocate

For Respondent/State : Mr. S.R.J. Jaiswal, 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.102/2015, registered at Police Station – Narayanpur, District – Jashpur (C.G.) for the offence punishable under Section 307, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 15.09.2015, the applicant alongwith one other co-accused, his son, inflicted head injury by way of axe to the injured Mohar Yadav. It is the allegation that the applicant provoked his son Umesh Yadav to inflict injury on Mohar Yadav, as he used to report the fact to the police station.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the entire allegation of causing hurt is over other co-accused Umesh Yadav and only allegation of provoking is on the applicant and that is also subject to the test before the Trial Court, therefore, considering

the evidence available on record, 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. Taking into the statement of injured, Mohar Yadav, the allegations of assault are attributed to the other co-accused, Umesh Yadav. Further taking into the fact that charge-sheet in this case has been filed and the applicant is in jail since 21.10.2015, 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