

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7159 of 2015

Salik Ram S/o. Ram Lal Gond, Aged about 32 years, R/o. Munmuna
(Bhathapara) P.S. Kukdur, Tahsil Pandariya, District Kabirdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police
Station Kukdur, District – Kabirdham (C.G.)

---- Respondent

For Applicant	:-	Mr. F.S. Khare, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

1. This is the second 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. 70/2015 registered at Police Station- Kukdur, District – Kabirdham (C.G.) for the offence punishable under Sections 294,506-B and 307 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after filing of the charge-sheet in M.Cr.C. No. 6009 of 2015 on 16.11.2015.
3. Case of the prosecution, in brief, is that on 04.09.2015 the applicant open an altercation with the injured Ramdayal on the issue that the crops has been grazed by the cattle at the instance of Ramdayal and therefore, the altercation started and the applicant by way of wooden plank which was meant for fencing assaulted the injured Ramdayal on his head. Thereby, the offence is committed.

4. Counsel for the applicant submits that the applicant is innocent he has been falsely implicated in this case. He further submits that only on the trivial issue the incident happened and the dispute aggravated. He further submits that the nature of injury is simple in nature and the nature of the incident would not fall within the section of 307 of IPC. He further submits that the charge-sheet has been filed in this case and the applicant is in jail since 06.09.2015; therefore, the applicant may be enlarged on bail.
5. Per contra State counsel opposes the prayer for grant of bail.
6. Having regard to the fact and the medical report and the way the incident has happened on the trivial issue all of sudden. Considering the facts and circumstance of the case and also considering the gravity of offence and the degree of allegations levelled against the applicant and further considering the manner in which the offence committed as also the fact that the applicant is in jail since 06.09.2015, 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.

Sd/-
(Goutam Bhaduri)
Judge

