

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1101 of 2016**

Basne, S/o Lounsa @ Budhan, aged about 29 years,
Caste-Kodaku, R/o Village Chandoura, P.S. Chalgali,
Tahsil Balrampur, District Balrampur-Ramnujganj (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through : Police Chalgali, District
Balrampur-Ramnujganj (C.G.)

-----Non-applicant

For Applicant: Mr. A.K. Yadav, Advocate.
For Non-applicant/State: Mr. Dhiraj Kumar Wankhede, GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 51/2015 registered at Police Station –Chalgali, District Balrampur-Ramanujganj (C.G.) for the offences punishable under Sections 294, 323, 506 & 307/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 13.09.2015 applicant & other co-accused persons assaulted complainant Baleshwar Yadav by iron rod, by which he suffered grievous injuries, by which he suffered grievous injuries, which were sufficient to cause his death and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that there is delay of 10 days in lodging the FIR as the incident had occurred on 13.09.2015 whereas FIR has been lodged on 23.09.2015 without any proper explanation. He further submits that applicant and the complainant are neighbours and on account of some trivial dispute between them, the applicant has been falsely implicated in the offence in question in which he has been arrested on 13.10.2015 and the charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the weapon, which was used in the offence, has been recovered from the possession of the applicant.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; his pre-trial detention; extent of delay in lodging the FIR; and considering the facts that charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

