

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2362 of 2016

1. Kaviraj Pradhan S/o Shri Baikunth Pradhan Aged About 30 Years Occupation Labourer, R/o Village Thalak, P.S. Aadimal, District Nyagarh (Odisha).
 2. Milu Sahu S/o Shri Bheema Sahu Aged About 24 Years Occupation Labourer, R/o Village Thalak, P.S. Aadimal, District Nyagarh (Odisha).
- Petitioners**

Versus

- State of Chhattisgarh through Officer In Charge of the P.S. City Kotwali, District - Raigarh Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Abhishek Saraf, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 84 of 2016 registered at P.S. City Kotwali, Raigarh (C.G) for the offence punishable under Sections 294, 324, 506, 327, 326, 34 of IPC
2. As per the prosecution case, on 11.02.2016 the applicants alongwith others went to the temple wherein the complainant Dev Nishad was working and thereafter abused and assaulted Dev Nishad whereby he lost vision in one of the eyes.
3. Learned counsel for the applicants submits that the applicants did not have any intention to commit assault and some altercation took place between the complainant and the applicants and the applicants have been falsely implicated in this case. He further submits that charge sheet

in this case has been filed and the applicants are in jail since 16.02.2016, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the statement of complainant Dev Nishad.
6. Perusal of the statement of complainant Dev Nishad would show that the assault with sharp edged key of some vehicle was attributed to applicant Kaviraj Pradhan and by such assault, the complainant lost vision in his right eye, therefore, I am not inclined to release the applicant No.1 Kavi Raj Pradhan. Accordingly, his application is rejected.
7. However, with respect to applicant No.2 Milu Sahu no assault has been attributed to him, therefore, looking to the degree of allegations and the role of applicant No.2 Milu Sahu as also the fact that charge sheet in this case has been filed and the applicant is in jail since 16.02.2016, I am inclined to release him on bail.
8. Accordingly, the bail application of applicant No.2 Milu Sahu is allowed and he is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE