

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2594 of 2016

Laxminarayan, S/o Premu Sahu, aged about 40 years, resident of village Thelaki,
Police Station Kasdol, District Baloda Bazar/Bhatapara (CG).

APPLICANT

Versus

State of Chhattisgarh through the Station House Officer, Police Chowki, Lawan,
Police Station Kasdol, District Baloda Bazar/Bhatapara (CG).

RESPONDENT

For Applicant	: Ms. Sofia Khan, Advocate.
For Respondent/State	: Shri Gary Mukhopadhyay, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

06.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 130/2016 registered at Police Chowki Lawan, Police Station Kasdol, District Baloda Bazar/Bhatapara, for the offence punishable under Sections 186, 294, 506, 353, 332 and 333 IPC.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused persons said to have assaulted the complainant Mahesh Verma, Sub Engineer, PWD on 21.03.2016. On 06.04.2016, the complainant lodged FIR and the present applicant arrested on 11.04.2016.
3. Learned counsel for the applicant submits that the applicant is in detention since 11.04.2016. He further submits that there is no specific allegations

against the applicant of having assaulted the complainant except for the fact that he had been along with the other accused persons assaulting the complainant with hands and fist and with stone. The complainant has not given any plausible explanation for 16 days delay in lodging the FIR, and therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that nature of allegation is quite serious, medical report shows fracture of mandible bone of the complainant and there were other injuries on the face and head of the complainant. He further submits that statement of complainant itself clearly depicts the fact that the present applicant had also assaulted him along with other co-accused persons.
5. I have heard the counsel appearing for the parties.
6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly the fact that the allegations against the applicant is omnibus and the complainant has not been able to show the specific nature of injuries attributed by the applicant, also considering the fact that the applicant is in detention since 1 **1.04.2016**, this Court is of the opinion that present is the 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 the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE