

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3139 of 2016

1. Mithalesh Yadav, S/o. Devlal @ Lala Yadav, aged 26 years, R/o. Village – Lokhandi, P.S. Koni, District- Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Koni, District – Bilaspur (Chhattisgarh)

---- Respondent

For Applicant : Mr. V.C. Ottalwar, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

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.87/2016, registered at Police Station – Koni, District – Bilaspur (C.G.) for the offence punishable under Section 294, 506-B & 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.03.2016 while the *Fag* songs were being celebrated before the day of Holi at that time, the victim, Balram went to the spot and thereafter the applicant asked him why he was troubling his father in the last night, thereafter, the applicant assaulted the victim by wooden plank. Thereby he sustained injuries on his temporal region and one lacerated wound on scalp.

3. Learned counsel for the applicant submits that the applicant is not the aggressor and the injured himself went there and out of altercation, the incident happened and the applicant was not armed and without any premeditation or any intention, therefore, the offence would not be made out. He further submits that the injured was discharged from the hospital from three days, 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.
6. Perused the case diary and the documents. Considering the facts and circumstances and the background of the case and the fact that charge-sheet in this case has been filed and the applicant is in jail since 12.04.2016, 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 each 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