

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3164 of 2016

1. Ramesh Kumar Yadav, S/o. Rampratap, aged about 36 years, Occupation-Service (Electrician), Sugar Factory, Pratappur, R/o. Behind Collectorate, Ambikapur, Police Station & Tahsil Ambikapur, District-Sarguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Khadgawan, Pratappur, District – Surajpur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Sunil Tripathi, Advocate
For Respondent/State	: Mr. Lav Sharma, 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.72/2016, registered at Police Station – Khadgawan, Pratappur, District – Surajpur (C.G.) for the offence punishable under Section 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 24.03.2016 on the eve of Holi festival, the victim Namo Narayan Singh and other persons were celebrating Holi at that time, the applicant tried to colour forcibly to the wife of the victim for which a dispute arose. Thereafter, the applicant by way of hammer had given a blow to the victim on forehead and nose of the injured.

3. Learned counsel for the applicant submits that the victim and the applicant both were intoxicated and both had consumed liquor, therefore, on petty cause, the incident happened and there was no intention to kill and only one blow was caused and the victim was discharged from the hospital within a day. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 25.03.2016, therefore, 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 of the case, nature of injury and the background of offence in which it happened and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 25.03.2016, 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