

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4284 of 2016

Kunnu Ram, S/o. Late Puran Ram, Aged About 54 Years, R/o. Village School Para (Sardi), Police Station Charcha, Tahsil Baikunthpur, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station - Charcha, District – Korea, Chhattisgarh .

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.58/2016 registered at Police Station- Charcha, District Korea (C.G.) for the offence punishable under Section 294, 506, 323, 307 r/w 34 of Indian Penal Code.
2. As per the prosecution case, on 07.05.2016 while the complainant/ injured was raising a wall on a land, the dispute took place with the applicant and other co-accused as the applicant and other co-accused claiming the land wherein the wall was being raised; therefore the scuffle took place and it is alleged that the applicant assaulted by way of Brick.
3. Learned counsel for the applicant would submit that the dispute arose because of the complainant raising a wall over the encroached land which belonged to the applicant and there was no

intention to kill and the injury is also simple in nature. He further submits that the charge sheet has been filed and the applicant is in jail since 08.05.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement, medical report and background of this case. The medical report shows that the injury is simple in nature. Considering the same and totality of the case and taking into fact that the charge sheet has been filed and no further investigation is necessary, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge