

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4509 of 2016

- Satyanand Gupta S/O Thandaram Gupta Aged About 42 Years R/O Village Tribhauna, Police Station & Tahsil Pusour, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Chandresh Shrivastava, Advocate.

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-08-2016

1. This is 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 on 26-05-2016 in connection with Crime Nos. 82 of 2016, registered at Police Station Pusour, District Raigarh (CG) for the offence punishable under Sections 294, 506, 323, 325 & 307/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant during altercation in between the family members gave a blow to Khemanidhi by way of stone as a result of which she sustained injury and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the the applicant and the complainant are related to each other, there was no intention to kill the injured, the incident took place all of a sudden when the altercation took place in between the family members over a partition. He would further submit that charge-

sheet has been filed in the case, the applicant is in jail since 26-05-2016 and no further evidence is required, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and other documents.
6. Perused the statement of the witnesses which would show that the dispute took place in between the family members over a partition.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and considering the statement of the witnesses and back-ground of this case and also the fact that the charge-sheet has been filed in the case, the applicant is in jail since 26-05-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju