

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4251 of 2016

- Sayyed Nadim @ Monu S/o Sayyed Hanif Khan Aged About 20 Years
R/o Kashinagar, Near Jhaitham, Raipur, Tahsil & District Raipur,
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Office, Police Station
Talibandha, Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Raghavendra Pradhan, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 345 of 2015 registered at P.S. Telibandha, Raipur (C.G) for the offences punishable under Sections 294 & 307 of IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, on 27.09.2015 the applicant over a dispute assaulted Vinod Tandekar and Raja Tandekar by way of copper on knee and arm, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that Vinod Tandekar and Raja Tandekar have been examined as P.W.2 and P.W.4 respectively and they have not supported the case of prosecution case, therefore, no case is made out against the applicant. He further submits that the charge sheet has been filed and the applicant is in jail since 31.10.2015, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.

5. Perused the statements of Vinod Tandekar (P.W.2) and Raja Tandekar (P.W.4) which prima facie show that they have not supported the case of prosecution. Considering such statements of injured without any further observation, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE