

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4811 of 2016

- Ledan S/O Etwa Aged About 70 Years By Caste Rautiya, R/O Kaliba, P.S. & Tahsil Kunkuri, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Narayanpur, District Narayanpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-08-2016

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 on 21-6-2016 in connection with Crime No. 68 of 2016, registered at Police Station Narayanpur, District Narayanpur (CG) for the offence punishable under Sections 307, 34 of IPC, Section 25 of the Arms Act and Sections 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 20-6-2016 over a dispute of possession of the land, applicant along with other co-accused persons attacked the complainant Hubeshwar Nagwanshi and his family members and during such dispute co-accused Kishun caused injury by arrow to Sudheshwar, who is one of the brothers of the complainant and present applicant also assaulted Sudheshwar by axe using from the back side as a result of which

he sustained injuries and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant is seventy years old person and the dispute arose over a taking possession of the land and there was no intention to kill the injured as the injury was caused from back side of the axe. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 21-6-2016 and no further investigation is required, therefore, he may be released 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.
6. Perused the statement of injured Sudheshwar wherein the allegations against the present applicant are that he used back side of the axe to cause injury.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the injured Sudheshwar and also considering the age of the applicant who is seventy years old person, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed 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

