

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7324 of 2015

1. Rajendra Rathiya, S/o. Shri Chaitram Rathiya, aged about 22 years, By Caste- Kanwar, R/o. Village- Tumidih, Police Chowki, Jobi, Tahsil and P.S. - Kharsia, District – Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Thana- Police Chowki Jobi, P.S. - Kharsiya, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Amit Singh, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/01/2016

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.530/2015, registered at Police Station – Kharsia, Police Chowki- Jobi, District – Raigarh (C.G.) for the offence punishable under Section 323, 302/34 of I.P.C..
2. Case of the prosecution, in brief, is that on 06.11.2015 an altercation took place between the applicant and one Hemlal, the deceased as both of them were branded each other to be disabled since the applicant was blind. During such scuffle two persons also intervened and assaulted Hemlal on the accusation that he was assaulting the blind person. Thereafter, Hemlal and the applicant went back to their home and subsequently Hemlal died.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

applicant is blind from birth and there has been some altercation taken place between the applicant and the deceased, Hemlal, which was intervened by two other persons and because of the assault, Hemlal died. Considering the nature of background in this case and the way the offence is committed, it can not be branded as a murder. He would further submit that the applicant is in jail since 09.11.2015, therefore, prays that 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 and perused the case diary.
6. Perusal of the case diary would show that the applicant is a blind. Taking into the nature of the allegation levelled against this applicant and further taking in to the statement of the eye-witness and the allegation levelled against this applicant, 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 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