

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 313 of 2016

- Dinesh Mahanand @ Dinesh Odiya S/o Banmali Mahanand
Aged About 33 Years R/o Kabir Nagar, Valmiki Nagar, P.S. -
Amanaka, Civ : & Rev : Distt. Raipur Chhattisgarh

--- Petitioner

Versus

- State of Chhattisgarh Through : P.S. - Ganj, Civ : & Rev :
Dist : Raipur Chhattisgarh **--- Respondent**

For the applicant	:	Mr. J. K. Gupta, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 258 of 2015 registered at P.S. Ganj, Distt. Raipur (C.G) for the offence punishable under Section 294, 342, 506, 307/34 of IPC & Section 25 & 27 of the Arms Act.
2. The prosecution case, in brief, is that on 03.12.2015, complainant Shera Hirwani went to the Canteen of the applicant. At that time, co-accused Sanjay Nagarchi who was working in canteen of the applicant has asked for Bidi from injured. When the complainant refused to give Bidi to co-accused Sanjay Nagarch some altercation took place which turned into quarrel and thereafter Sanjay Nagarchi has assaulted the complainant. The allegation against the applicant is that at the time of quarrel, he was holding on the complainant and Sanjay Nagarchi has caused assault.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in this case and in fact the complainant had gone to the canteen for demand of amount and when it was refused, the altercation took place, consequently the assault was made by Sanjay Nagarch who is the worker of the Canteen owned by the applicant.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of victim and the medical report which show the injuries are simple in nature and the allegations are attributed to Sanjay Nagarchi and Densoriya.
6. Taking into the degree of allegations leveled against the applicant and the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 21.12.2015, I am inclined to release him on bail.
7. 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 is directed to appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE