

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2075 of 2016

Sanjay Kumar Yadav, S/o Toko Yadav, aged about 27 years, R/o Village Jurudand, Police Station and Tahsil Bagicha, Distt. Jashpur (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through Police Bagicha, Distt. Jashpur (C.G.)
 ---- Non-applicant

For Applicant:	Mr. A.K. Yadav, Advocate.
For Non-applicant:	Mr. Ajit Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board20/04/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.194/2015, registered at Police Station Bagicha, Distt. Jashpur, for the offence punishable under Sections 294, 323, 506B and 307 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 24-10-2015, the applicant assaulted his elder brother by wooden stick by which he suffered grievous injuries which were sufficient to cause death.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. Injuries are simple in nature. There is dispute of land and property between the two brothers. Charge-sheet has been filed. The applicant is in jail since 19-11-2015. Co-accused Smt. Rukmani has been granted anticipatory bail by a coordinate Bench of this

Court in M.Cr.C.(A)No.210/2016 on 9-3-2016, whereas the present applicant is in jail, therefore, the applicant deserves to be released on bail and he has no role to play.

4. On the other hand, learned State counsel opposes the application and submits that the victim suffered fracture on head.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, relationship between the parties, dispute as to land and property, pendency of civil dispute and charge-sheet has been filed, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge