

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3664 of 2016

- Kushal S/O Ashok Sahu Aged About 21 Years R/O Village Lal Bahadur Nagar, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : District Magistrate, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2016

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 24-03-2016 in connection with Crime No. 54 of 2016, registered at Police Station Churiya, District Rajnandgaon (CG) for the offence punishable under Sections 294, 326, 341, 506/34 of the IPC.
2. As per prosecution case, on 24-03-2016 at about 1.30 pm., the applicant along with other co-accused person abused the complainant Kamal Sinha and thereafter assaulted him by way of knife on his thigh and ribs 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 incident occurred for the fact that while sister of the applicant was playing Holi, the complainant tried to outrage her modesty, at that time the applicant intervened in the matter due to which scuffle took place and the applicant was not the aggressor. In this connection a report was also lodged against the complainant Kamal Sinha which

was registered as Crime No.52 of 2016. He would further submit that the applicant has been falsely implicated in the case, charge-sheet has been filed in this case, he is in jail since 24-03-2016 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 and have also perused the case diary and the documents.
6. Perused the statements of the witnesses which would show that initially another report was lodged by the applicant against the complainant Kamal Sinha which was registered as Crime No. 52 of 2016.
7. Taking into consideration the facts and back-ground of this case, the offence said to have been committed and considering the statements of the witnesses and the fact that initially another report was made by the applicant against the complainant Kamal Sinha which was registered as Crime No.52 of 2016 and also taking into fact that the charge-sheet has been filed and the applicant is in jail since 24-3-2016, 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

