

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4278 of 2016

- Mangal Singh S/O Jagmohan Porte Aged About 42 Years Caste - Gond, R/O. Village & P.O. - Surta (Bazaarpara), Police Station & Tehsil - Ramanujnagar, Revenue & Civil District - Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Ramanujnagar, Revenue & Civil District - Surajpur Chhattisgarh

---- Respondent

For Applicant : Mr. Surfaj Khan, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-08.2016

1. This is the second 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 9-12-2014 in connection with Crime No. 117 of 2014, registered at Police Station Ramanujnagar, District Surajpur (CG) for the offence punishable under Sections 147, 148, 149, 294, 307 and 302 of the IPC. First bail application was dismissed on 5-1-2016 with liberty to file afresh after examination of the material witnesses.
2. Case of the prosecution, in brief, is that on 11-7-2014 at about 10.00 am when the complainant was cultivating his field, quarrel took place between the complainant and the accused persons and the accused persons namely Radhe Shyam, Ram Suder Yadav, Parmanand Yadav, Narbadiya and Shyampati assaulted the complainant 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 one axe was seized from the applicant, however, seizure witnesses have not supported the prosecution case. Narmada Bai initially stated that

applicant has assaulted the complainant by way of axe, but she does not support the prosecution case and nothing has been stated against the present applicant. He would further submit that the applicant is in jail since 9-12-2014, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that Narmada Bai has not categorically stated against the present applicant and seizure witnesses have also not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and documents.
6. Perused the statements of the seizure witnesses from which it appears that they have not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the fact that the seizure witnesses have not supported the prosecution case and also the fact that the applicant is in jail since 9-12-2014, 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