

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2060 of 2016**

Mahendra Bariha, son of Shri Sahdeo Bariha, aged about-25 years, R/o village-Jirapali, P.S. Dongaripali, Distt. Raigarh, Civil and Revenue Distt. Raigarh (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Dongaripali, Distt. Raigarh (C.G.)

---- Non-applicant

For Applicant: Mr. M.K. Sinha, Advocate.
For Non-applicant/State: Mr. Suvigya Awasthy, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/05/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 01/2016 registered at Police Station Dongaripali, Distt. Raigarh (C.G.) for the offence punishable under Section 294 & 307 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 01.01.2016 applicant assaulted victim Chetan Bariha by stone, by which he suffered grievous injuries, which were sufficient to cause his death and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence; and the injuries suffered by the victim

are simple in nature. He further submits that applicant is languishing in jail since 02.01.2016; and the charge sheet has already been filed and no custodial interrogation is required and therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the nature & gravity of the offence; facts and circumstances of the case; role of the present applicant in the offence in question; pre trial detention; nature of injuries suffered by the victim; and further considering the fact that charge sheet has already been filed and no further custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Mahendra Bariha** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-