

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2324 OF 2016

Arjun Yadav, S/o Patiram Yadav, aged about 45 years, R/o Village Chhote Urla, PS Abhanpur, Dist. Raipur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Abhanpur, Dist. Raipur (C.G.)

... Non-applicant

For Applicant	:	Mr. B. D. Guru, Advocate
For Non-applicant/State	:	Mr. Vivek Sharma, GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to Applicant, who has been arrested on 12.12.2015 in connection with Crime No.310/2015 registered at Police Station Abhanpur, District Raipur, for the offence punishable under Sections 294, 323, 506-B & 307 of the IPC.
2. As per the prosecution, on account of some dispute between the present applicant and the injured which took place during the course of *Raut Nacha* held during the time of Goverdhan Pooja, the present applicant is said to have assaulted the injured.
3. Counsel for the applicant submits that he has remained in jail for a period of about 6 months and initially the offence was only registered under Sections 294, 323 & 506-B and Section 307 of IPC was subsequently added. He further submits that there was no pre-meditation or intention on the part of the present applicant to assault the injured Gokul Yadav.

4. State Counsel however opposes the bail application and submits that since the nature of allegations levelled against the present applicant is serious, therefore, the present applicant may not be released on bail.

5. Considering the total facts and circumstances of the present case and also keeping in view the fact that the application has already remained in jail for a period of about 6 months, this Court is of the view that it is a fit case where the Applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that in case the Applicant furnishes a personal bond for a sum of **Rs. 20,000/- with one surety** of the like amount to the satisfaction of the concerned Trial Court then he shall be released on bail on the following further conditions:-

(i) that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(ii) that the Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iii) that the Applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(P. Sam Koshy)
V. Judge