

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2657 of 2016

Sarju Nishad, S/o Shankar, aged about 24 years, occupation Labourer, resident of Kewatpara, Kawardha, Distt. Kabirdham (CG).

Applicant

Versus

State of Chhattisgarh through Police Station Kawardha District Kabirdham (CG).

Respondent

For Applicant	: Shri Rishi Rahul Soni, Advocate.
For Respondent	: Shri Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

08.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 53/2016 registered at Police Station Kawardha, Distt. Kabirdham for the offence punishable under Sections 294, 323, 506(II) and 326 IPC.
2. Case of the prosecution, in brief, is that on 16.02.2016 the present applicant is said to have taken fight with the complainant and his brother Anand and the applicant has bitten the index finger of the injured Anand.
3. Learned counsel for the applicant submits that the applicant is in detention since 16.02.2016. He further submits that the applicant has no criminal background and has been falsely implicated in the case as fight took place between applicant and the injured person due to sudden provocation, and therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application

on the ground that the applicant has caused grievous injuries to the complainant's brother under the influence of Alcohol.

5. I have heard the counsel appearing for the parties.
6. Without commenting on merits, considering the totality of the facts and circumstances of the case, there is no other injury except for injury in the index finger of the injured and also considering the fact that the applicant is in detention since 16.02.016, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE