

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3875 of 2016

1. Manoj Kumar Kewat, S/o. Late Gorelal Kewat, aged about 20 years, R/o. Purani Basti Kharsiya, P.S. & Tahsil – Kharsiya, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station – Kharsiya, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. F.S. Khare, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.123/2016, registered at Police Station – Kharsiya, District – Raigarh C.G.) for the offence punishable under Section 147, 148, 149, 294, 323, 506-B, 307 of I.P.C. and 25/27 of Arms Act.
2. Case of the prosecution, in brief, is that on 23.03.2016, the applicant along with other accused were singing during Holi festival and at that time, complainant Rakesh Navneet along with his friend Jitendra Bahadur came there and some altercation took place between the two parties. Thereafter, Rakesh and Jitendra Bahadur both of them entered into scuffle with applicant and other co-

accused persons and during such scuffle the applicant and other accused persons have assaulted Rakesh Navneet and Jitendra Bahadur whereby Jitendra Bahadur sustained severe injuries which are sufficient to cause death.

3. Learned counsel for the applicant submits that looking to the way the offence is committed, there was no intention to commit assault or cause injuries to the complainant and the injured was discharged from hospital after 4 days and the injuries were caused by club and not by any hard and blunt object or any sharp edged weapon. It is further submitted that similarly situated co-accused persons in this case have already enlarged on bail by this Court in M.Cr.C. No.3699/2016 vide order dated 14.07.2016, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances and the background of the case and further taking into the nature of injury which is mainly caused by a club and not by any sharp edged weapon, charge sheet in this case has been filed and further considering the fact that similarly situated co-accused persons in this case have already enlarged on bail by this Court in M.Cr.C.No.3699/2016 vide order dated 14.07.2016, this Court is of the opinion that present is a 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge