

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4053 of 2016

1. Lekhram Kothari S/o Itwari Kothari Aged About 20 Years

2. Itwari Kothari S/o Jirakhan Kothari

Both R/o Kundrapara Near Jaitkham Durg Tehsil And District Durg
Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate, District Durg
Chhattisgarh.

---- Respondent

For applicants - Shri Avinash Chand Sahu, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/07/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.222/2016 registered in Police Station Durg, District Durg for offence punishable under sections 294, 323, 307, 34 of Indian Penal Code.

2. As per the prosecution case, complainant Ganesh Kurre and Bharat were coming to their home, at that time they met the applicants and over an old dispute both of the applicants attacked Ganesh Kurre and Bharat and applicant No.2 Itwari Kothari assaulted by way of a club and applicant No.1 Lekhram Kothari had assaulted with a knife over the abdomen. Thereby, offence is committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case, charge sheet has been filed and no further investigation is necessary, therefore the applicants may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of Ganesh Kurre and Bharat. Direct allegation have been made that applicant No.1 Lekhram Kothari has assaulted by way of a knife. Ganesh Kurre was operated and was admitted to the hospital and applicant No.2 Itwari Kothari used the club. Considering the nature of injury and weapon used, this court is inclined to release the **applicant No.2 Itwari Kothari** on bail. In respect of applicant No.1 Lekhram Kothari considering the allegation made that he has assaulted by way of a knife, this court is not inclined to release **applicant No.1 Lekhram Kothari** on bail.

6. Accordingly, bail application in respect of **applicant No.1 Lekhram Kothari** is dismissed and bail application in respect of **applicant No.2 Itwari Kothari** is allowed and it is directed that the **applicant No.2 Itwari Kothari** shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE