

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4831 of 2016

Horilal Kaser, S/o. Madhav Ram Kaser, Aged About 40 Years, R/o. Village Jarmoha, P.S. & Tahsil Pali, Distt. Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Pali, Distt. Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.114/2016 registered at Police Station- Pali, District Korba (C.G.) for the offence punishable under Section 294, 506-B, 323, 307 of Indian Penal Code.
2. As per the prosecution case, on 17.07.2016 the victim shouted in front of the house of the applicant whereby altercation started and the applicant assaulted the injured by way of Axe on his head, which was intervened by some of the people and thereafter the injured was taken to the Hospital and the case was registered.
3. Learned counsel for the applicant would submit that there is no intention to kill and only on the trivial issue the dispute arose, the nature of injury is also not fatal and bony injury was not found and

the charge sheet has been filed, therefore, no further investigation is required and, as such, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Perusal of the medical report shows that no bony injury was found. Considering the facts & circumstances of the case, background of the dispute, nature and gravity of offence and the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge