

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5580 of 2016

1. Rai Singh Gond, S/o. Gulab Singh Gond, aged about 27 years, Caste- Gond, R/o. Village- Shivpur (Darripara), P.S. & Tehsil – Khadgawan, Distict – Korea, Chhattisgarh.

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Khadgawan, District – Korea (C.G.)

---- Respondent

For Applicant	: Mr. Pawan Shrivastava, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2016

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.41/2016, registered at Police Station – Khadgawan, District – Korea (C.G.) for the offence punishable under Section 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 19.03.2016 altercation took place between the injured Raj Kumar and the present applicant and over such dispute, the applicant assaulted Raj Kumar by way of *Farsa* on his neck. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that on trivial issue, the incident took place and there was no intention to kill and the victim was discharged on the same day after two hours of admission in the hospital. It is further submitted that charge-sheet in this case has

been filed and the applicant is in jail since 20.03.2016. Therefore, the counsel prays that 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 appearing for the parties.
6. Perused the statement of the victim as also the medical report. Query report do not attached with the photocopy of the case diary. Considering the facts and circumstance of the case, the incident took place on trivial issue and further considering the fact that charge-sheet in this case has been filed, the applicant is in jail since 20.03.2016, 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