

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6525 of 2016

Vimal Kumar Dubey, S/o. Chandrika Dubey, Aged About 41 Years, R/o. Chiniya, Chouki Vijay Nagar, Police Station Ramanujganj, District – Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Chouki Vijay Nagar, Police Station Ramanujganj, District – Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vineet Kumar Pandey, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.11.2016

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.182/2015 registered at Chouki Vijay Nagar, Police Station- Ramanujganj, District Balrampur (C.G.) for the offence punishable under Section 147, 148, 149, 294, 307 of Indian Penal Code and under Section 3(2-5) of S.C. & S.T. Prevention of Atrocity Act.
2. As per the prosecution case, on 19.11.2015 a dispute took place to take over possession of the paddy and quarrel broke out in between Dashrath, Guteli Devi & Sunil and the present applicant, Chandrika and other persons. A free fight took place in between the parties whereby both the parties sustained severe injuries and Dashrath, the complainant, received incised wound in parietal region and Guteli Devi received lacerated wound in wrist & waist and the applicant also sustained injuries.

3. Learned counsel for the applicant would submit that the dispute took place over the possession of paddy and on a free fight, the applicant also sustained injuries and he was admitted to the hospital for 9 days. He filed the documents and medical report to show the same and would submit that there was no intention to kill, therefore, 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. It appears that the dispute took place in between the parties over possession of the paddy and free fight took place. Taking into the facts & circumstances of the case, medical evidence and statements and considering the report and counter-report, without any observation on merit, 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