

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6575 of 2016

- Rajendra Singh S/o Tikaram Singh Aged About 45 Years R/o Gopalpur Police Station & District Bhind (M.P.) Present Resident Of K. P. Gawo, C. R. P. F. Parasa - 2 Ambikapur District - Surguja Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Ambikapur District - Surguja Chhattisgarh

---- Respondent

For Applicant : Mr. Vineet Kumar Pandey, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-10-2016

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 on 8-8-2016 in connection with Crime No. 419 of 2015, registered at Police Station Ambikapur, District Surguja (CG) for the offence punishable under Sections 294, 323, 506, 302/34 of the IPC.
2. As per prosecution case, some dispute occurred between complainant Sanjay Singh and the applicant who is in CRPF which resulted into altercation in which the applicant along with other co-accused has assaulted him as a result of which he died. Initially the complainant made a report and subsequently he died on 11-10-2015 and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that there is no direct evidence against the present applicant and all the allegations have attributed to one Nepali who was also working in CRPF and only on presumption the applicant has been inculpated in this case. He would further submit that the charge-sheet has been filed in this case, he is in jail since 8-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the complainant Sanjay Singh in which primary allegations have been attributed to one Nepali who was also working in CRPF and stated that the assault was made by that person.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of the complainant and also the fact that the charge-sheet has been filed and the applicant is in jail since 8-8-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

