

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6505 of 2016

- Shanker Rao @ Shankari S/o Bairagi Aged About 43 Years Balaji Nager Ward No. 32, Quarter No. 8 A, Street No. 49, Zone-2, Khursipaar, Bhilai District Durg, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Khursipaar, Bhilai District Durg, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Chandra Bhushan Kesharwani,
Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-10-2016

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 9-6-2016 in connection with Crime No. 255 of 2016, registered at Police Station Khursipaar, Bhilai, District Durg (CG) for the offence punishable under Sections 294, 506-B, 323 and 307 of the IPC.
2. Case of the prosecution, in brief, is that on 8-6-2016 a report was made by Smt. Savitri who is wife of the injured Mahendra that the applicant tried to kill injured Mahendra by way of stone as the dispute occurred between them and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant was running grocery shop, at the time of incident Mahendra came there in intoxication position and tried to take away the goods which resulted into scuffle in which injured fell down and sustained injury and

there was no intention to kill him as the applicant was not an aggressor to the incident and neither preparation was existed, therefore, the offence is not made out. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 9-6-2016 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, perused the case diary and other documents.
6. Perused the medical report which shows that the injured at the time of incident was under influence of Alcohol.
7. Taking into consideration the facts and circumstances of the case and further considering the medical report and back-ground of the case and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 9-6-2016, this court is 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