

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6567 of 2016

1. Mubark Ali, S/o. Fakir Mohammad, aged about 36 years, R/o. Kanchanpur, P.S. & Tahsil Sakti, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station - Sakti, Tahsil – Sakti, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant	: Mr. Vipin Punjabi, Advocate
For Respondent/State	: Mr. U.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2016

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.221/2016, registered at Police Station – Sakti, District – Janjgir-Champa (C.G.) for the offence punishable under Section 294, 506(B), 323, 326, 324, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 02.08.2016 at 9.45 pm, a dispute took place between the complainant Safiq Ahmad and present applicant and other co-accused persons over installation of transformer, at that time, altercation started and dispute aggravated, present applicant assaulted Sabnam Bano by way of Axe on her head due to which she sustained injuries and other co-accused have assaulted Ashfak and Safik Ahmad. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the way the dispute aggravated both the parties attacked each other. It is further submitted that injured was not admitted to the hospital and charge-sheet in this case has been filed and no further investigation in this case are necessary, 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 case diary, documents and statement. Considering the facts and circumstances of the case, the nature of injury and the fact that charge-sheet in this case has been filed and the applicant is in jail since 08.09.2016 and further taking into the fact that other co-accused in this case has been enlarged on bail, 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