

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7057 of 2016

1. Ashok Kumar Kosare, S/o. Late Ram Prasad Kosare, aged about 35 years, R/o. Village-Khopli, Dihipara, P.S. - Utai, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Civil and Revenue District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/11/2016

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.211/2016, registered at Police Station – Utai, District – Durg (C.G.) for the offence punishable under Section 294, 506-B, 307/34 of Indian Penal Code and Section 25 of Arms Act.
2. Case of the prosecution, in brief, is that on 13.08.2016, Chaitram Sahu, Asim Sahu and Pitambar Sahu were sitting near pond at that time, the applicant came along with one Krishna Narang in intoxicated condition and started quarreling and Chaitram was assaulted by Krishna Narang by way of knife and when Asim and Pitambar tried to intervene they were also assaulted. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the entire allegation of inflicting injuries is attributed to Krishna Narang and not to this applicant and the present applicant was only along with Krishna Narang, 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, however, do not dispute the fact that entire allegation of assault is on Krishna Narang while the present applicant was along with him at the time of incident.
5. I have heard learned counsel appearing for the parties.
6. Considering the submission and the role attributed to this applicant, 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