

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7291 of 2016

Kaviraj Pradhan S/o Shri Baikunth Pradhan, Aged About 30 Years
Occupation - Laborer, R/o Village Thalak, Police Station Aadimal,
District Nyagarh, Odisha

---- Applicant

Versus

State Of Chhattisgarh Through Officer In Charge Of The Police
Station City Kotwali, District Raigarh Chhattisgarh

---- Respondent

For applicant - Shri Abhishek Saraf, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/11/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was rejected on 27/06/2016 vide M.Cr.C. No.2362 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.84/2016 registered in Police Station City Kotwali, Raigarh (C.G.) for offence punishable under sections 294, 324, 506, 327, 326, 34 of the IPC.
3. As per the prosecution case, on 11/02/2016 the applicant alongwith others went to the temple wherein the complainant Dev Nishad was working and thereafter abused and assaulted Dev Nishad whereby he lost vision in one of the eyes.
4. Learned counsel for the applicant submits that now complainant Dev Nishad has been examined and he has not supported the case of the prosecution which would be evident from the Annexure A-4. He further submits that complainant has been agreed to be paid Rs.3,20,000/- and compromise has been affected, therefore in any case no further statement would be necessary and the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that complainant Dev Nishad has been examined and has not supported the case of the prosecution.

6. Taking into such statement, without further observation at this stage, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE