

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7398 of 2016

- Amit Kumar S/o Shri Hari Prasad Aged About 23 Years R/o Village Bilaspur, Police Station & Batauli, District Sarguja, Civil & Revenue District Sarguja, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Batauli, District Sarguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manoj Kumar Sinha, Advocate

For Respondent/State : Mr. U..K.S.Chndel Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 25-10-2016 in connection with Crime No. 48 of 2016, registered at Police Station Batauli, District Sarguja (CG) for the offence punishable under Section 307/34 of the IPC.
2. As per the prosecution case, on 26-6-2016 over a dispute over possession of land, while Amit Kumar was cultivating the land with tractor, at that the applicant along with other co-accused objected and altercation took place. Thereafter, present applicant tried to kill Buddnath by driving the tractor on him and Munnaram was also assaulted and the applicants used Favda (spade) and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that in fact the applicant was in possession of the land the complainant tried to encroach upon such land whereby the dispute arose and

the complainant was aggressor and the injury sustained by Munnaram was simple in nature, therefore, no case is made out under Section 307 of the IPC. He would further submit that the case of the present applicant is similar to that of other co-accused person who has been granted bail vide order dated 1-9-2016 passed by this Court in M.Cr.C.No. 5049 of 2016 therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicants is similar to that of other co-accused person who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 25-10-2016 and further considering the fact that similarly placed other co-accused person has been granted bail, I am inclined to release the applicant on bail.
7. 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

