

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7368 of 2016

- Kamaldev S/o Salik Ram, Aged About 19 Years R/o Village Bedmi Ledua,
Police Station - Ramkola, District Surajpur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Police Station Ramkola, Civil &
Revenue District Surajpur Chhattisgarh

---- **Respondent**

For Applicant : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 20-9-2016 in connection with Crime No. 27 of 2016, registered at Police Station Ramkola, District Surajpur (CG) for the offence punishable under Sections 147, 148, 149, 294, 506, 323, 307 of the IPC.
2. Case of the prosecution, in brief, is that on 12-7-2016 complainants Tapesb Kumar and his son injured Deepnarayan and present applicants and other co-accused persons entered into a dispute over taking possession of the land which aggravated to assault. Consequently, the applicant along with other co-accused persons has assaulted the complainants which were enough to cause death.
3. Learned counsel appearing for the applicant would submit that allegation of grievous assault has been attributed to one Kantaprasad and only general and omnibus allegations have been attributed to the present applicant. The appellant had also lodged first information report against the complainants, therefore, both the parties have entered into altercation and

dispute and there was no intention to kill anyone. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 20-9-2016 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 statement of complainant Tapesesh Kumar wherein it is alleged that Kantaprasad was holding axe and Sanjay Yadav was holding club. They started assaulting them and thereafter the applicant and other co-accused persons joined.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of complainant Tapesesh Kumar and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 20-9-2016, 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