

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7476 of 2016

- Vijendra @ Patel S/o Chotelal Aged About 22 Years Caste- Yadav, R/o Village- Doniya, Police Station Amarkantak, Tehsil- Rajendra Gram, District Anuppur, Madhya Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Gaorela, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Ashok Soni, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 375/2016 registered at P.S. Gaurela, Distt. Bilaspur (C.G) for the offence punishable under Sections 307, 147, 148, 149, 120-B & 201 of IPC.
2. As per the prosecution case, on 14.11.2015 a report was lodged by one Vijay Vishwakarma that the injured Anand called him alongwith one Umesh and went to Horri Dojra Forest. When they travelled some distance, at that time, Anand was assaulted by 5 unknown persons and subsequently Vijay Vishwakarma made a report and the applicants were arrested on 15.02.2016 on the memorandum of other accused.
3. Learned counsel for the applicant would submit that certain dispute was going on between one Laxmikant and injured,

consequently Laxmikant and other accused hatched conspiracy and the injury was inflicted. He further submits that there is no evidence to the effect that the applicant has caused injury and no identification was carried out and only on the basis of memorandum of co-accused he was arrested. It is also submitted that the charge sheet has been filed and the applicant is in jail since 15.02.2016 therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary. Considering the facts and evidence available in this case especially the fact that the applicant has been arrested only on the basis of memorandum of other accused and no identification of applicant was carried out; charge sheet has been filed and no further investigation is necessary and the applicant is stated to be in jail since 15.02.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**