

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7744 of 2016**

Dinesh Singh S/o Shri Yogendra Singh Aged About 30 Years R/o Village- Itwa, Police Station- Navinagar, District- Aurangabad (Bihar) Presently At Foreign Liquor Shop, Lawan, Police Outpost Lawan, Police Station- Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh, Civil And Revenue District- Baloda Bazar, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Police Outpost Lawan, Police Station- Kasdol, District- Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For applicant - Shri Deepak Jain, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****7/12/2016**

1. This is the second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 9/08/2016 vide M.Cr.C. No.4404 of 2016 with liberty to repeat the same after filing of the charge sheet.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.249/2016 registered in Police Station-Police Outpost Lawan, Thana-Kasdol, Distt. Baloda Bazar-Bhatapara (CG) for offence punishable under sections 294, 506, 307/34 of Indian Penal Code.
3. As per the prosecution case, on 30/06/2016 the injured Topram alongwith his friend had went to wine shop and wanted to talk to the manager and on such issue the altercation started. Thereafter, the injured came back, sat in the dhaba, at that time the applicant who is manager of the wine shop alongwith two persons came and assaulted Topram and

Lakhan by way of a club. Therefore, they sustained injuries which were enough to cause death.

4. Learned counsel for the applicant submits that now the charge sheet has been filed, no further investigation would be necessary, the applicant is in jail since 1/07/2016 and the injury report also do not show that any fracture was caused and it reports only swelling. He submits that therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. The injury report of Topram and Lakhan both shows that X ray reported as appears to be no fracture is shown. Taking into nature of injury and statement, charge sheet has been filed, 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