

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7778 of 2016

1. Harishchand Markam, S/o. Dashrath Markam, aged about 24 years,
R/o. Sakin – Sitli, Platpara, P.S. - Kondagaon, District – Kondagaon
(C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Kondagaon, District –
Kondagaon (C.G.)

---- Respondent

For Applicant	: Mr. Shobhit Koshta, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.288/2016, registered at Police Station – Kondagaon, District – Kondagaon (C.G.) for the offence punishable under Section 294, 307 and 506 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 06.08.2016, the complainant while was cutting embankment of the field, it was objected by the present applicant and the present applicant, who is also step brother of the complainant entered into a dispute, thereafter, the complainant while was chased was assaulted by way of Axe on his back and on left shoulder,

which was enough to cause death. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the incident happened over a land dispute in between two brothers. It is further submitted that the applicant had lodged a report against the family members of the injured. It is further submitted that the injured was hospitalized only one and half hours as he admitted at 5 PM and discharged at 6.30, which would reveal that the nature of injury was not fatal. It is further submitted that the applicant is in jail since 07.08.2016, charge-sheet in this case has been filed and no further investigation is necessary, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statements. Considering the facts and circumstances of the case, the dispute arose in between the applicant and the complainant over cutting of the boundaries over field. The case diary also contains the MLC of hospital Kondagaon, which shows that the applicant was discharged at 6.30. Considering the fact that charge-sheet has been filed, the background of the dispute and the nature of allegation, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram