

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8037 of 2016

1. Shubham Agrawal @ Ilu, S/o. Shri Premchand Agrawal, aged about 26 years, Occupation-Business, R/o. Ward No.5 Ganeshpara, Bagbahara, Police Station & Tahsil : Bagbahra, District – Mahasamund (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Police Station : Bagbahara, District – Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. S.C.Verma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2016

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.207/2016, registered at Police Station – Bagbahara, District – Mahasamund (C.G.) for the offence punishable under Section 307/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 12.10.2016 the complainant Raj Kumar Nayak, the injured and the applicant entered into a dispute and over a dispute, the applicant along-with other co-accused has assaulted the injured by way of screwdriver and plier. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the entire allegations are attributed to Deepak Sahu, who has assaulted the injured by screwdriver and the applicant was only present on the spot and no role has been played by the present applicant. It is further submitted that similarly placed co-accused, Manan Agrawal has been enlarged on bail by this Court vide order dated 24.11.2016 in M.Cr.C. No.7431/2016, therefore, the counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and statement, wherein entire allegations have been attributed to Deepak Sahu, who caused the assault by way of screwdriver and plier. Taking into the role played by this applicant, considering the facts and circumstances and further taking into the fact that similarly placed co-accused, Manan Agrawal has been enlarged on bail by this Court vide order dated 24.11.2016 in M.Cr.C. No.7431/2016, 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