

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8331 of 2016

- Amit Singh @ Raja S/o Jaikishan Singh @ Jacky Aged About 24 Years R/o Sadak Dafai Haldiwadi, Chirmiri, Police Station Chirmiri, District- Koriya, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Podi, Civil & Revenue District- Koriya, Chhattisgarh

---- **Respondent**

For Applicant : Mr. Sanjeev Verma, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

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 20-8-2016 in connection with Crime No. 120 of 2016, registered at Police Station Podi, District Koriya (CG) for the offence punishable under Sections 294, 506, 307 & 34 of the IPC.
2. Case of the prosecution, in brief, is that on 19-8-2016 at about 9.00 pm, the applicant along with other co-accused assaulted one Chandani Jaiswal, who was running betel shop (Pan Thela) and abused him to give them Pan quickly. He refused to pay money and thereafter he assaulted the victim by stone on his head as a result of which he lost his conscious, which was enough to cause death.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there was no intention to cause death, only on trivial issue the incident occurred

and no bony injury was caused. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 20-8-2016 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. On specific query, it is stated by the State counsel that no bony injury was reported and no past antecedent was recorded against the present applicant.
7. Taking into consideration the facts and circumstances of the case, considering the fact that no bony injury was reported and no past antecedent was recorded against the present applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 20-8-2016, I am 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