

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 778 OF 2017

Jagatram S/o Banshgopal, aged about 65 years (wrongly mentioned as 55 years in the bail order) by caste Harijan, R/o Village Sivani, P.S. Marvahi, District Bilaspur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through its Police Station Incharge Marvahi, District Bilaspur (C.G.)

... Respondent

For Applicant	:	Mr. Suresh Pandey, Advocate.
For Respondent-State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/02/2017

1. This is the first bail application seeking grant of bail to the Applicant who is in jail since 28.12.2016 in connection with Crime No. 104 of 2011 registered at Police Station Marvahi, District Bilaspur, for the offence punishable under Sections 294, 506-B, 323, 324, 325, 307/34 of IPC.
2. Allegation against the Applicant is that on the date of incident he along with other co-accused persons is said to have assaulted the complainant, as a result of which the complainant is said to have received three injuries.
3. Learned Counsel for Applicant submits that the co-accused in the instant case, namely, Arjun Das, has already been granted bail by this Court in M.Cr.C. No. 2443 of 2014 decided on 17.6.2014. He further submits that the nature of allegation which has been levelled against the Applicant is similar to that of one of the co-accused persons, i.e., Arjun Das, who has been enlarged on bail by this Court. He also submits that so far as the present Applicant is concerned he was only armed with *lathi*

whereas no injury of *lathi* blow has been found on the complainant and thus the present Applicant may be released on bail.

4. Opposing the bail application, learned Counsel for the State submits that the complainant in the instant case has received three stab injuries which are serious in nature and therefore taking into consideration the gravity of injuries the present Applicant may not be released on bail.

5. Taking into consideration the contentions put forth on either side and on perusal of record, what is not in dispute is that there was some land dispute between the Applicant and the complainant party, the applicant and the complainant were also related to each other, further the complainant does not seem to have received any injury from the club which was in the possession of the present Applicant, in addition the co-accused Arjun Das has already been granted bail by this Court, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge