

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 549 of 2017

- Vijendra Kumar Pathak S/o Ramlal Pathak, Aged About 25 Years R/o Ward No. 10, Bagbahra, Police Station- Bagbahra, Tahsil- Bagbahra, District- Mahasamund Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through- Station House Officer, Police Station- Bagbahara, District- Mahasamund Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Gurudeo Sharan, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.207/2016 registered at Police Station Bagbahara (C.G) for the offence punishable under Sections 307/34.
2. As per the prosecution case, on 12.10.2016 complainant Raj Kumar Nayak the injured and the applicant alongwith others entered into altercation over a dispute and on such dispute a quarrel took place wherein the applicant and other accused have assaulted the injured by way of screw-driver and plier, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the entire allegations are attributed to co-accused Deepak Sahu who has assaulted the injured by screw-driver and the applicant was merely present on the spot and no role has been played by him. He further submits that similarly placed

accused Manan Agrawal has been enlarged on bail by this Court in M.Cr.C.No.7431/2016 on 24.11.2016, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the person against whom similar allegations were made has been enlarged on bail by this Court.
5. Perused the case diary documents and the statements wherein the entire allegations have been attributed to co-accused Deepak Sahu who caused the assault by way of screwdriver and plier. Taking into the nature of allegations and the role played by this applicant as also the fact that similarly placed co-accused has been released on bail by this Court in M.Cr.C.No.7431/2016, I am inclined to release him on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**