NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 671 of 2017

1. Kuldeep Gupta S/o Janardan Gupta, Aged About 33 Years R/o Village Baheramuda, Out Post Belgahna, Police Station Kota, Civil And Revenue District Bilaspur Chhattisgarh
2. Chunni Lal Bhunjawa, S/o Angad Bhunjawa, Aged About 53 Years R/o Village Baheramuda, Out Post Belgahna, Police Station Kota Civil And Revenue District Bilaspur Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Out Post Belgahna, Police Station Kota, District Bilaspur Chhattisgarh

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-02-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 23-12-2016 in connection with Crime No. 159 of 2016, registered at Police Station Kota, Out Post Belgahna, District Bilaspur (CG) for the offence punishable under Sections 294, 509, 323, 325, 326, 34 of the IPC.

2. Case of the prosecution, in brief, is that a report was made by the complainant Ramesh that while he was coming some ladies were sitting on the road which was objected by him and thereafter some altercation started and present applicants along with their family members started assaulting him and he was assaulted by way of axe, battle-axe and wooden plank whereby he received injuries and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that all of a sudden incident happened and there was no intention to cause injury to him and the injury sustained by the complainant is not grievous in nature. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 23-12-2016 and no further investigation is required, therefore, they 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 documents.

6. Perused the statement and medical report of the injured.

7. Taking into consideration the facts and circumstances of the case and further considering the statement and medical report of the injured and also the fact that charge-sheet in this case has been filed and the applicants are in jail since 23-12-2016, this court is inclined to release the applicants on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju