

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 762 of 2017

- Daduram Kashyap S/o Shrinivas Kashyap, Aged About 35 Years
R/o Bandha, Police Station Lalpur, District Mungeli Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police
Station - Lalpur, District - Mungeli Chhattisgarh

---- **Respondent**

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-02-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 3-9-2016 in connection with Crime No. 155 of 2016, registered at Police Station Lalpur, District Mungeli (CG) for the offence punishable under Sections 294, 506, 323 and 307 of the IPC.
2. Case of the prosecution, in brief, is that on 1-9-2016 the applicant while going on his motor-cycle landed into altercation with one Vishwanath who was on the road and quarrel started wherein injured Nand Kumar Kashyap tried to intervene wherein the applicant assaulted Nand Kumar Kashap by way of club on his head 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, the applicant and the injured were not known to each other and in order to

intervene in the dispute, injury was caused and there was no intention to kill him and only one fracture was found on his body. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 3-9-2016 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 documents.
6. Perused the statement of the injured Nand Kumar and Vishwanadh.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the injured and background of this case and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 3-9-2016, this court is 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju