

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 892 of 2017

Dayaram Anant S/o Shri Punsai Anant, Aged About 71 Years
(Wrongly Mention In Impugned Order 65 Years) R/o Village
Dhandhan Police Station & Tahsil Takhatpur District Bilaspur
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Takhatpur District
Bilaspur, Chhattisgarh.

---- Respondent

For applicant - Shri Dheerendra Pandey, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/02/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 200/2015 registered in Police Station Takhatpur Distt. Bilaspur (C.G.) for offence punishable under section 147, 148, 149, 294, 307, 323, 327/34 of IPC.
2. Case of the prosecution, in brief, is that on the date of incident, the Shiva Sonwani and his sons were cultivating their land at that time, the applicant along with others came down and assaulted, Sukhchain and Sant Kumar to cause death. Sant Kumar sustained four injuries and one of them is on head and likewise Sukhchain also sustained injuries on his head at the parietal region and rest on the other part of the body.
3. Learned counsel for the applicant submits that they were not aggressor and they were at their land and in order to defend themselves this incident happened. He further submits that nature of injuries cannot be stated to be fatal, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Taking into fact and nature of allegation against the applicant and main allegation of assault on head is on Manoj and Santosh and the fact applicant appears to be of 71 years and he is in jail since 18/01/2017, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE