

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 802 OF 2017

Suraj @ Suryaprakash Shahi, aged about 22 years, S/o Mr. Uday Pratap Shahi, resident of Heerapur, PS Kabir Nagar, Tehsil and District Raipur (CG).

... Applicant

Versus

State of Chhattisgarh, through the Police Station Amanaka, District Raipur (CG).

... Respondent

For Applicant	:	Shri Raza Ali, Advocate.
For Respondent-State	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/02/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 17.01.2017 in connection with Crime No. 259 of 2016 registered at Police Station Amanaka, District Raipur, for the offence punishable under Sections 294,323,506, 427 and 327/34 IPC.

2. As per the prosecution, the allegation against the applicant is that he along with other accused persons is said to have reached to the place of incident and is said to have assaulted the complainant and have also destroyed the handcart on which the complainant was operating as shop leading to filing of complaint. It was also alleged that the applicant has used abusive language against the complainant. The applicant was arrested on 17.01.2017.

3. Learned Counsel for Applicant submits that it is a case where the other co-accused have already been released on bail and that the applicant is already remained in jail for more than one month. The injury sustained by the complainant was also simple in nature. He further submits

that the Applicant is in custody since 17.01.2017 and therefore he may be enlarged on bail.

4. However, learned Counsel for the State opposes the bail application.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case and taking note of the nature of complaint lodged and the nature of injuries sustained by the complainant, in addition considering the age of the applicant and also the period of custody undergone by the applicant, 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.20,000/- 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