

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1094 of 2017

1. Kranti Kumar Dahariya, S/o. Kanhaiya Lal Dahariya, Aged About 34 Years, R/o. Village- Chhati, Post Office & Police Station- Kurud, District- Dhamtari, Chhattisgarh.

----Applicant

Versus

1. State of Chhattisgarh, Through : The Station House Officer, Police Station- Kurud, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
---------------	---------------------------------

For Respondent/State	: Ms. Sunita Jain, Panel Lawyer
----------------------	---------------------------------

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 657/2016, registered at Police Station – Kurud, District – Dhamtari (C.G.) for the offence punishable under Section 294, 506(B), 324, 326 of Indian Penal Code.
2. As per the case of the prosecution, in brief, is that a report was made by the victim Ravindra Sonwani on 05.12.2016 that he purchased some goods from the applicant of Rs.30/- and the amount was not paid for which the applicant abused the complainant. Therefore, the complainant being enraged went to the house and come out with Axe and altercation started thereafter, the applicant snatched the Axe and assaulted the complainant. 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 in fact the complainant wanted to assault the applicant and the applicant was not the aggressor and

only by snatching the Axe, the incident happened with the weapon of the complainant itself, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the dehati nalishi, wherein the complainant himself has stated that the complainant was assaulted by the Axe which was carried out by him after altercation. Taking into such facts and the background of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge