

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1566 of 2017

Rajau Ram Yadav, S/o. Manglu Yadav, Aged About 62 Years, R/o. Village -Pod, Gobranayapara, Tahsil- Nayapara, District -Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station : Gobranayapara, District : Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/03/2017

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.136/2016, registered at Police Station – Gobranayapara, District – Raipur (C.G.) for the offence punishable under Section 302, 323, 114 & 34 of the Indian Penal Code.
2. As per the prosecution case, an FIR was lodged by the wife of the deceased namely Bindiya Vishwakarma that on 26.07.2016 her husband when wanted to take his daughter for treatment and asked the motor cycle which was refused by Vijay and Punit Vishwakarma, who are the brother and father of the deceased and the deceased started damaging the motor cycle which was objected and thereafter a dispute and altercation increased in between the parties. Thereafter, Vijay Vishwakarma started assaulting the deceased -Benu Ram Vishwakarma and caught hold of him and the present applicant – Rajau Ram Yadav enticed and suggested to kill the deceased.

Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the incident happened inside the house on trivial issue and no allegation of assault is attributed to the present applicant except that he has enticed the other co-accused and therefore, no role has been played by him. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 28.06.2016, 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 case diary, documents and the statement of Bindiya Vishwakarma, wherein the main allegation of assault is attributed to Vijay Vishwakarma and Punit Vishwakarma, the brother and father of the deceased. Considering the role played by this applicant, 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