

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No. 2967 of 2017**

Parmeshwar Kashyap @ Purru S/o Mangal Ram Kashyap, Aged About 32 Years R/o Village Selar, Police Station Seepat, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through : Station House Officer , Police Station Seepat, District- Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant:	Shri VC Ottalwar, Advocate.
For State/Non-Applicant:	Shri Sanjeev Pandey, Govt Advocate.

Single Bench: Hon'ble Shri Prashant Kumar Mishra, J
Order On Board

24.5.2017

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicant is arrested in connection with Crime No.03/2016 registered at Police Station – Seepat, District Bilaspur (CG) for the offence punishable under Sections 294, 506, 323, and 307/34 IPC.
2. On account of the dispute concerning the funds relating to the Society, an altercation took place between the Applicant's family and the family of the injured Anil. At the time of the incident, both the parties were abusing and alleging each other on which, the injured questioned the Applicant as to why he and his wife are abusing him. The Applicant and the injured came to the Applicant's house to clear the issue from the Applicant's wife. As per F.I.R, as soon as they reached the house, the Applicant's wife Dhaneshwari came out with an axe in her hand and assaulted Anil Kenwat over his head. In subsequent case diary statement, the act of causing injury has been attributed to the present Applicant.
3. Learned Counsel for the Applicant submits that the Applicant is innocent

and has been falsely implicated in the alleged crime. He submits further that there are no previous criminal antecedents of similar offence and is therefore liable to be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Having considered the facts and circumstances of the case, the nature of allegations, the different statements recorded under Section 161 Cr.P.C and that the Applicant is in jail since 04.01.2017, I am inclined to release the Applicant on bail. 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. It is made clear that if the Applicant involves himself in the offence of similar nature in future, this order granting bail to the Applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Prashant Kumar Mishra)
Vacation Judge