

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3392 of 2017

- Purohit @ Dadu Dongre S/o Shri Udhav Dongre Aged About 20 Years
R/o Rakhi Nagar, Samta Colony, Police Station Azad Chowk, Raipur,
District- Raipur, Chhattisgarh.

---- Applicant (in jail)

Versus

- State Of Chhattisgarh Through S H O Police Station Saraswati Nagar,
Raipur District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Pawan Shrivastava, Advocate
For Respondents/State	:	Shri Suryakant Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/06/2017

1. The present applicant is in jail since 24.01.2017 in connection with Crime No. 06/2017 registered at Police Station Saraswati Nagar, Raipur Distt. Raipur (C.G.), for the commission of offence punishable under Section 294, 307, 34 of the I.P.C.
2. Case of the prosecution, in brief, is that the present applicant and the other accused persons are said to have assaulted complainant Kamlesh Bagh on 22.01.2017 causing injuries to the said complainant.
3. Learned counsel for the applicant submits that it is a case where all the injuries which have been sustained by the complainant were caused the main accused Shani Chaudhari and that the only allegation against the present applicant is that he assaulted the victim with hands and fists. However, no injuries of hands and fists have been found to have occurred during the course of medical examination and the injuries that were detected are of knife injuries caused by the main accused Shani Chaudhari.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the present applicant and the other accused persons together had assaulted the complainant causing injuries to him, and therefore, the active participation of the present applicant is disentitles him to be released on bail.

5. Considering the total facts and circumstances of the case, particularly, considering the fact that the present applicant has already remained in custody of for a period of 6 months and that the injuries sustained by the complainant were at the hands of main accused Shani Chaudhari and not by the hands and fists of the present applicant, this Court is of the opinion that it is a fit case, in which, the applicant should be granted bail.

6. Accordingly, the present bail application is allowed. It is directed that in case if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, then he shall be released on bail. The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(P. Sam Koshy)
V. Judge