

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3448 of 2017

- Parmeshwar Jangde S/o Atmaram Jangde, Aged About 27 Years R/o Hedaspur, Police Station, Tahsil & District- Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station City Kotwali, District- Mungeli , Chhattisgarh.

---- Respondent

For Applicant	:	Shri Praveen Das, Advocate.
For Respondents/State	:	Shri Surya Kant Mishra, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/06/2017

1. The applicant is in jail since 22.04.2017 in connection with crime No. 189/2016 registered at Police Station City Kotwali, Mungeli, Dist. Mungeli (C.G.) for commission of offence punishable under Sections 147, 294, 506, 307, 34 of the I.P.C.
2. Case of the prosecution is that on the night of 15.04.2017, there was free fight between the present applicant and another accused persons with the complainant Khemchand Jangde on account of water being poured in front of house of the present applicant.
3. Learned counsel for the applicant submits that both the disputing parties are related to each other and that there was a case and counter case filed by either side. The present crime number is 189/2016 wherein the complaint has been lodged against the present applicant and other co-accused persons and the other crime number is 190/16 wherein the complaint has been lodged by the applicant's side against the present complainant and others.

The charges have already been framed against the complainant side and not against the present applicant. He further submits that one Ramgopal has witnessed the incident and a perusal of his statement would reflect that the present applicant has not made any assault on the injured persons except that he was there along with the other accused persons and had hurled only abusive language against the complainant party.

4. The above aspect has not been disputed by the State Counsel, but, opposes the bail application on the ground that present applicant was also an active associate of other co-accused persons and as per the eyewitnesses, he had also instigated and hurled abusive language against the complainant and his party, which later on resulted in free fight between the two parties.
5. Considering the total facts and circumstances of the case, more particularly, the fact that the name of the present applicant is not reflected in the statement of eyewitnesses of having assaulted any of the injured persons, this Court is of the opinion that it is a fit case for grant of bail to the applicant.
6. Accordingly, the present bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that in case if the applicant furnishes 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