

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3767 of 2017

- Pushpraj Dubey S/o J.P. Dubey, Aged About 25 Years R/o Geetanjali Park, Mangla, House No. 4 & 5, P.S. Civil Line, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh

-----Respondent

For Applicant : Smt. Indira Tripathi, Advocate.

For Respondent : Smt. M. Asha, Panel Lawyer for the State.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On 12.06.2017.

This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.346/2017 registered at Police Station Civil Line Bilaspur, Distt. Bilaspur for the offence punishable under Sections 452, 294, 323, 506/34 of the Indian Penal Code.

2. As per the case of the prosecution, there was a free fight between the applicant's side as well as the complainant's side and in that connection crime Number 345/17 dated 09.5.2017 was also lodged by the applicant side in the same police station and on the same day counter case of the complainant has also been filed.

3. Learned counsel for the applicant submits that injuries sustained by the complainant's side are minor in nature whereas injuries sustained by the applicant's side in Crime No.345/17 are grievous as the father of the present applicant himself has suffered fracture on his head. She further submits that

it is a case where the complainant party were the aggressors as they had in fact entered into the premises of the present applicant and assaulted them.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard the counsel appearing for the parties.

6. Considering the totality of the facts and circumstances of the case, particularly the fact that there was a free fight as evident from the case of the present applicant and the counter case and also the fact that injuries sustained by the injured were simple in nature and also except the offence under Section 452 of IPC, all other offence are bailable, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail. Moreover the name of the applicant also does not reflect in the FIR.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two solvent sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

9. In view of the above, IA No.01 for urgent hearing and IA No.02 for hearing the case during summer vacation stand disposed of.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge