

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4939 of 2017**

Doman Kumar Kosle S/o Revat Kumar Kosle, aged about 28 years,
R/o Village Devri, Police Station City Kotwali, District Mungeli
(Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh through Police Station City Kotwali District
Mungeli (Chhattisgarh).

---- Respondent

For Applicant	:	Shri S. C. Verma, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 33/2017 registered at Police Station City Kotwali, District Mungeli (CG) for the offence punishable under Sections 302, 307, 147, 148, 149, 294, 506-B & 323/34 of IPC. The applicant is in jail since 23.02.2017.

2. As per the prosecution case, the present applicant along with other two co-accused is said to have assaulted the complainant side and in the process caused grievous injury to one Kishore and other members of the said group.

3. Contention of the counsel for the applicant is that the complainant and the accused persons are all closely related family members and there is some land dispute between the two brothers which had led to the family fight. He submits that the complainant side in the instant case has also been charged for the offence punishable under Sections 302, 307, 147,

148, 149, 323 & 506 of IPC wherein the brother of the present applicant has been killed and there was an attempt to murder the father of the applicant. He submits that the present is a counter claim filed by the other side. The two other accused persons in the present case have already been enlarged on bail by the trial Court itself and therefore considering the facts, the present applicant may be released on bail.

4. State counsel, however, opposing the bail application submits that there are statements of eye witnesses recorded wherein there are clear allegations made against the present applicant who is said to have used iron rod (Sabbal) with which he had assaulted.

5. Considering the facts and circumstances of the case particularly the case registered against the complainant side where the offence leveled against them seems to be graver and the fact that the applicant and the complainant side being closely related family members coupled with the fact that the applicant has already remained in custody for a period of about 9 months, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. 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 for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE