

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8206 of 2016

Divyaraj Singh, S/o. Amar Singh Thakur, Aged About 33 Years, R/o.
Newari, Bandhwapara Sarkanda, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Sarkanda, District Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant : Mr. U.K.S.Chandel, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.461/2016 registered at Police Station- Sarkanda, District Bilaspur (C.G.) for the offence punishable under Section 294, 506, 323/34, 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 14.07.2016 the injured Gopal Yadav and Vijay while were working in the road side Hotel, at that time, the present applicant alongwith others came there and started assaulting Gopal & Vijay, thereby they sustained severe injuries, which were enough to cause death.
3. Learned counsel for the applicant would submit that the dispute occurred on the basis of taking over possession of the Hotel, as the applicant was ejected and there was no intention to kill and the nature of injury also not fatal, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and also the medical report. Taking into the documents, nature of injury and statement of the victim and further taking into fact that the charge sheet has been filed and the applicant is in jail since 01.10.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge