

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8405 of 2016

Mangi @ Manoj Bhatnagar, S/o. Late Ramcharan Bhatnagar, Aged About 50 Years, R/o. Dayalband, Police Station City Kotwali, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Bilha, District Bilaspur, Chhattisgarh.

---- Respondent

AND

MCRC No. 8407 of 2016

Madanlal Arora, S/o. Parasram Arora, Aged About 56 Years, R/o. Bilha, Police Station Bilha, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Bilha, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Saurabh Dangi, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer for the State.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/01/2017

1. This is the first bail application of the applicant Mangi @ Manoj Bhatnagar and second bail application of the applicant Madanlal Arora filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.151/2016 registered at Police Station- Bilha, District Bilaspur (C.G.) for the offence punishable under

Sections 294, 323, 325, 326, 341, 506 r/w 34 of Indian Penal Code. The first bail application of the applicant Madanlal Arora was dismissed as withdrawn on 24.10.2016 in MCRC No.6127 of 2016 with liberty to repeat the same after filing of the charge sheet.

2. Case of the prosecution, in brief, is that a report was made by the complainant Deepak Arora on 14.06.2016 against the present applicants who are related to the complainant. When he asked certain amount to get his mother treated, some altercation took place between the applicants and complainant and while he was going to make a report, at that time, present applicants intercepted him and the applicants along-with other co-accused persons have assaulted him and thereby the aforesaid offence has been committed.
3. Learned counsel for the applicants would submit that there is *inter se* dispute between the family members, there is no intention to cause any injury to the complainant and out of sudden provocation and anger, it had happened. He further submits that the charge sheet has been filed and the allegation is that the applicants assaulted the complainant by way of cycle air pump which is generally available and was used as a weapon, which cannot be termed as specific weapon; therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and documents. Considering the fact that the dispute occurred in between two family members and the nature of weapon which has been used and further taking into fact

that the charge sheet has been filed and the applicant Mangi @ Manoj is in jail since 08.11.2016 and the applicant Madanlal is in jail since 05.09.2016, I am inclined to release the applicants on bail.

6. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge