

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 480 of 2017

Setram Rathiya, S/o. Ghansiram, Aged About 30 Years, R/o. Village-
Kudhurmahua, Police Station- Lailunga, District- Raigarh, Civil & Revenue
District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Thana In Charge, Lailunga, District-
Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajendra Tripathi, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/02/2017

1. This is the second 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.314/2016 registered at Police Station- Lailunga, District Raigarh (C.G.) for the offence punishable under Section 326 of Indian Penal Code.
2. As per the prosecution case, a report was made by Banshiram on 14.10.2016 that the present applicant who is younger brother over a family dispute went to the house of the applicant and assaulted by way of Axe on his ahead; thereby, grievous injury was sustained.
3. Learned counsel for the applicant would submit that this is the second bail, the first bail application was dismissed as withdrawn on 23.11.2016 with liberty to file afresh after filing of the charge sheet, the charge sheet has been filed and the injured was

discharged from the Hospital and no further investigation is necessary, 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 and the documents. Taking into background of the dispute and the nature of injury and the fact that the charge sheet has been filed and the applicant is in jail since 20.10.2016, 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