

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1289 of 2017

- Bhagat Ram Khatkar S/o Ludhuram Khatkar, Aged About 60 Years R/o, Village Tilaipali, Police Station Sarsiya, Civil And Revenue District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Office, Police Station Sarsiya, Civil & Revenue District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Janak Ram Verma, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

8-3-2017

1. This is 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 on 27-10-2016 in connection with Crime No. 142 of 2016, registered at Police Station Sarsiya, District Baloda Bazar– Bhatapara (CG) for the offence punishable under Sections 294, 323, 506, 325, 307/34 and 120(B) of the IPC. Earlier first bail application was dismissed as withdraw with liberty to repeat the same after filing of the charge-sheet on 8-12-2016.
2. Case of the prosecution, in brief, is that on 13-8-2016, the complainant Bharat Lal while going on his motor-cycle to his house, at that time near Tilaipali bridge two persons attacked and assaulted him by way of club and rod whereby he sustained fracture on the face of the bone and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, initially no name of the

applicant was narrated in the FIR and FIR was made against unknown persons. Subsequently, name of the applicant was disclosed and even after arrest the applicant has not been identified. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 27-10-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that the incident was seen by Siyaram.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perusal of the case diary would show that the report was made on 22-8-2016 and the incident occurred on 13-8-2016. However, the name of the applicant was not disclosed in the FIR which was made on 22-8-2016.
7. Taking into consideration the facts and circumstances of the case and further considering the fact that the name of the applicant was not disclosed in FIR which was made on 22-8-2016 and even after arrest the applicant has not been identified, without further observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju