

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 637 of 2018**

Ramdas Chaturvedi S/o Late Sukhram Chaturvedi, aged about 50 years, R/o village Lolesara, Police Station Bemetara, Tahsil and District Bemetara (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh, Through the District Magistrate, Durg and also through Police Station Pulgaon, District Durg (C.G.).

---- Non-applicant

For Applicant	:	Shri P.K.Patel, Advocate.
For State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No.268/2017 registered at Police Station Pulgaon, District Durg (C.G.) for the offence punishable under Sections 452, 294, 506 (B), 323 & 307 of IPC.
2. The present applicant is in jail since 9.12.2017 in connection with the aforesaid Crime number.
3. The case against the present applicant as per prosecution is that, the present applicant is said to have assaulted the injured-Ashok Banjare on 21/06/2017 with a Laathi and has caused grievous head injuries.
4. The counsel for the applicant submits that, it is a case where there was no intention of any assault on part of the present applicant, but it is only because of the family dispute and on spur of the moment the incident occurred and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, the present applicant does not deserve bail for the reason that, there is an eye-witness namely Gajeshwari-the wife of the injured who has deposed of having witnessed the present applicant assaulting the injured-Ashok Banjare.
6. Further, what also reflect is that, the nature of injury sustained by the present applicant was grievous in nature and as a result of the accident, the injured was hospitalized for about 12 days and was unconscious for about 4 days.
7. Given the nature of assault and the fact that the incident has been witnessed by an eye-witness this Court is of the opinion that prima-facie no strong case has been made out for releasing the applicant on bail at this juncture.
8. The present MCRC thus deserve to be and is accordingly rejected.

Sd/-

(P. Sam Koshy)
Judge

Sumit