

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1064 of 2018

Mahendra Singh S/o Jadunath Singh Aged About 47 Years By Caste Gond,
Occupation Sarpanch, Gram Panchayat, Ghaghra, R/o Village Ghaghra,
Police Station Pasta, District Balrampur Ramanujganj Chhattisgarh, District :
Balrampur, Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Pasta,
District Balrampur Ramanujganj Chhattisgarh, District : Balrampur,

---- Respondent

For Applicant	:	Shri D.N. Prajapati, Advocate
For Respondent/State	:	Shri Satish Gupta, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/02/2018

Heard.

1. This is second application for grant of bail. First bail application was dismissed as withdrawn.
2. The applicant has been arrested in connection with Crime No.40 of 2017 registered at Police Station- Pasta, Distt. Balrampur, Ramanujganj (CG) for the alleged commission of offence under Section 294, 506(B), 323/34 & 307 of IPC.
3. Case of the prosecution is that the applicant and other accused assaulted the victim at about 7:30 a.m. on 30.06.2017 with intention to cause death, in which incident, victim sustained injury on various parts of his body.
4. Learned counsel for the applicant would submit that the applicant has not alleged to have inflicted any injury and merely because, he was present at the spot in the capacity as Sarpanch of the Village, he has been involved. Next submission is that the fracture injuries are only in radius, tibia and fibula and there is no fracture injury on the head or any other vital part of the body. Therefore, in any case, offence under Section 307 of IPC would not be made

out. Lastly, it is submitted that the applicant has remained in jail for the last about 8 months, investigation is complete and charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, therefore, he may be granted bail.

5. On the other hand, learned counsel for the State opposes and submits that looking to the manner in which incident took place, in which the victim was assaulted by number of persons armed with weapon and sustained multiple injury including fracture at various part of the body, therefore, the applicant may not be granted bail.
6. Having considered the submission of learned counsel for the parties, particularly taking into consideration the period of detention of the applicant, nature of injuries and that no fracture injury found on the skull or any other vital part of the body, the application is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge