

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 7307 of 2017

- Pradeep Kumar Kesari S/o Late Gopal Prasad Kesari, Aged About 42 Years R/o Ward No. 15, Ramanujganj, P. S. Ramanujganj District Balrampur Chhattisgarh

----Applicant

Versus

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

---- Respondent

For the Applicant : Ms. Raghvendra Verma
Advocate.

For the Respondent/State : Shri Vijay Bhadur Singh, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02.01.2018

1. This is the first 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.127/2017, registered at Police Station –Ramanujganj District – Balrampur (C.G), for the offences under Section 294 and 307 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He is in jail since 20.09.2017. The complainant – Pankaj Kesari is the brother of the applicant, both are businessmen and have business rivalry between them. A free fight have taken place between both of them, in which the applicant himself was also injured. No case is made out against the applicant. Therefore, It is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that the injuries caused to the complainant was grievous in nature, according to C.T. Scan report and query, the examining doctor has reported the injury caused to the complainant could have been fatal if it were not treated timely. Hence, the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The case against the applicant is that on account of dispute between the applicant and the complainant, the applicant brought a base ball stick and assaulted the complainant on head causing injuries to him. After lodging FIR, the case is registered against the applicant and charge-sheet has been filed.
6. Considering the submission made and contents of the case diary and the medical examination report of the complainant does not show that injury caused by the applicant was sufficient his death in ordinary course of nature, the trial of the case is likely to take some time before its conclusion, for these

reasons this Court is of the opinion that this is a fit case where the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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 /-

(Rajendra Chandra Singh Samant)

Judge

Jamal