

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2115 of 2018**

Mukesh Das Mahant S/o Agar Das Aged About 25 Years R/o-
 Limgaon, Police Station- Urga, District- Korba, Chhattisgarh.,
 District : Korba, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through- District Magistrate, Korba,
 District- Korba, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Dharmesh Shrivastava, Advocate.
 For the Respondent : Mrs. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.05.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.03/2018 registered at Police Station AJK, Korba, Distt. Korba (C.G) for the offences punishable under Sections 147, 148, 149, 458, 294, 506, 34 of IPC and sections 3(1)(r)(s) and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case, one Aishwarya Kavar has made a complaint on 14.1.2018 that the present applicant along-with others has assaulted Roshan Kavar and thereby he sustained fracture on his tibia fibula bone.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and prior to that, on 10.12.2017, the sister of the applicant has lodged a report against one Manmohan @ Bablu who is a close friend of Roshan u/s 354,

341, 294 and subsequently on 04.01.2018 Ashok Kenwat, Kumar Kenwat and Roshan Kanwar have assaulted the present applicant on which the report was made and the case was registered. He further submits that the charge sheet in this case has been filed and no further investigation is necessary, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
 5. Perused the statement of victim. Taking into consideration the back ground of the case as also considering the rival complaint wherein it appears that the complainant was also involved in the like nature of criminal cases and considering the totality of facts and circumstances of the case, I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE