

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3407 of 2018**

Jagmohan S/o. Dwarika Prasad, Aged about 30 years, R/o. Village Bandha, Tahsil Takhatpur, District Bilaspur Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station Takhatpur, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Amit Kumar, Advocate
For State	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/06/2018**

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. 105/2018 registered at Police Station Takhatpur, District Bilaspur, Chhattisgarh for the offence punishable under Sections 308, 294, 506B, 323, 34 of the Indian Penal Code.
2. The present applicant is in jail since 22.03.2018 in connection with the aforesaid Crime number.
3. The case of the prosecution against the present applicant is that the present applicant on account of some minor dispute which took place on the cutting of wood that was lying in the field of the applicant. Later it got converted into a fight and the applicant is said to have assaulted the complainant Chhotelal and has also tried to run him down under his Pickup van causing injuries to the complainant.

4. Counsel for the applicant submits that it is a case where the entire case of the prosecution is false and does not have any basis and that it is only a case where there was some mild altercation between the parties and small fight took place between the two and that it is a case where there was a case and a counter case lodged against either side. That, it was the F.I.R. lodged by the complainant which was the first one, which has been registered as Crime No.104/2018 registered at Police Station Takhatpur, District Bilaspur and it is the subsequent F.I.R. in which the present applicant has been arrested. He submits that the nature of injury sustained by the complainant is not of very serious nature and all the injuries suffered are simple in nature and therefore the applicant prays for the grant of bail.
5. The State counsel on the contrary referring to the statement of eyewitness submits that it is a case where the present applicant is said to have tried to crush the complainant under the wheels of his Pickup van, but somehow the complainant escaped with minor injuries and therefore the present applicant does not deserve bail as he had all the intentions of eliminated the complainant.
6. Having heard the contentions put forth on either side and on perusal of record, this Court finds that all the co-accused persons have been released by the trial Court itself and the nature of allegations and the injuries sustained by the complainant also does not seem to be too serious and that there is a case and counter case, which has been lodged between the parties and the dispute also appears to be of petty nature. This Court thus is of the opinion that prima facie a

strong case has been made out for grant of bail to the applicant.

Accordingly, the present application for grant of bail 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/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved