

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5212 of 2018**

Gangasagar Pathak, aged about 55 years, S/o Late Kapileshwar Pathak, R/o I. T. I. Irrigation Colony, Rampur, Korba Chowki Rampur Police Station Kotwali, Korba, Tahsil and District Korba Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through The Incharge, Chowki Rampur Police Station Kotwali, Korba, District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rahul Mishra, Advocate
For Respondent/State	:	Shri Vaibhav A. Goverdhan, Advocate.
For Objector	:	Shri Sanjay Pathak, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 395/2018, registered at Police Station Chowki-Rampur, Police Station – Kotwali, Korba, District – Korba (C.G.) for the offence punishable under Sections 294, 323.506, 326 and 34 of IPC.
2. As per the prosecution story, on 14.06.2018 at about 1.30 p.m. allegedly due to some previous enmity, the present applicant and the other co-accused person assaulted complainant Afrin Khan by iron rod and danda, when Arif Khan brother and Shakeela Bano mother of the complainant intervened between them, the applicant and co-accused also assaulted them. Matter was reported by Afrin Khan to the Police Station. All the injured were medically examined and mother of the complainant Shakeela Bano sustained two injuries which were found grievous in nature. On the basis of the said report applicant has been arrested on 03.07.2018.

3. Shri Rahul Mishra, learned counsel appearing on behalf of the Applicant submits that due to some previous enmity applicant has been falsely implicated in the present case and prima facie no offence under Section 326 of the IPC has been made out against him. He further submits that charge sheet has not been filed yet and applicant is in custody since 03.07.2018 and trial will take some more time, therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case, further considering the detention period of the applicant and the fact that the applicant is in custody since 03.07.2018, charge sheet has not been filed yet, therefore, trial will likely to take some more time, without further commenting on merit of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge