

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7601 of 2018**

Raju S/o Mohan Ram Aged About 40 Years R/o Jhamtholi, P. S. Kusmi
District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

For Applicant:

Shri Jitendra Shrivastava, Advocate.

For State/Non-applicant:

Shri Adil Minhja, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J

Order On Board

01.11.2018

1. This is the first bail application filed by the Applicant under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') for grant of regular bail as he has been arrested on 04.09.2018 in connection with the crime No. 49/18 registered in Police Station Kusmi, District-Balrampur-Ramanujganj for the offence punishable under Sections 294, 506, 323, 325 of IPC and Section 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution is that the complainant-Koneram lodged a report on 14.06.2018 against the Applicant by alleging *inter-alia* that on 08.06.2018 he was alone at home and at that particular time the Applicant came and took him towards "Gagariya Nala" and where he abused him with filthy words and also in the name of his caste and assaulted him further with *lathi-danda* and threatened him with dire consequences. On account of the alleged incident, his right

clavicle bone has got fractured. Based upon the alleged incident, an offence punishable under Sections mentioned hereinabove has been registered while arresting the Applicant on 04.09.2018.

3. Shri Jitendra Shrivastava, learned counsel for the Applicant submits that the applicant is innocent and has been falsely implicated in connection with the said crime. He submits further that the offence has been committed on 08.06.2018, however, the report has been lodged on 14.06.2018 without assigning sufficient reason in this regard. According to him, the charge sheet has already been submitted on 28.09.2018 and as the Applicant is in jail since 04.09.2018, therefore, he may be enlarged on bail.

4. On the other hand, Shri Adil Minhaj, learned counsel for the State while opposing the bail application submits that the manner in which offence has been committed, the Applicant is not entitled to be enlarged on bail. According to him, though the incident took place on 08.06.2018, however, on account of the alleged incident, the clavicle bone has been fractured, therefore, the offence is serious in nature and as such the Applicant is not entitled to be enlarged on bail.

5. I have heard learned counsel for the parties and perused the entire case diary carefully.

6. Having considered the facts and circumstances of the case and considering further that the report has been lodged on 14.06.2018 in relation to the incident occurred on 08.06.2018 and as the charge sheet has already been submitted in the matter, I am inclined to enlarge the Applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial

Court for his appearance before it as and when directed, the Applicant shall be released on bail. It is, however, made it clear that I have not entered into the merits of the case and the trial Court shall proceed with the matter without influencing any of the observations of mine.

Sd/-

(Sanjay Agrawal)
JUDGE

Nikita