

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6954 of 2017**

Ghanshyam S/o Bagmar, Aged About 48 Years R/o Jogideepa, Tahsi
& District Raigarh Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
City Kotwali, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Shri Neeraj Kumar Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.01.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.86 of 2017, registered at Police Station – City Kotwali, District – Raigarh, Chhattisgarh for the offence punishable under Sections 294, 324, 506, 389 and 307/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.05.2017 and he has been falsely implicated in this case. The incident took place on account of dispute between the complainant and main accused – Govinda Sarthi regarding theft of stepney of auto-rickshaw and it was all of sudden, the co-accused person assaulted complainant – Rinku Sarthi and Shyamlal Sarthi, with some hard and sharp object which

has caused simple injuries to them. Later on, the applicant came on the spot and has not participated in the commission of offence in any manner. The injury caused to the complainant and others is not of serious nature and the offence under Section 307 of the IPC is not made out. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident on account of some dispute co-accused – Govinda Sarthi by using a sharp object *gandasa* injured Rinku and Shyamlal. It is alleged that the applicant and others came to the spot and assisted the main accused by assaulting the complainant and others with hand, fists and kicks.

6. Considering the submissions and the contents of the case diary, taking into consideration the medical report of the injured persons that there is no such report of the examining doctor that the injuries caused to any of the person was sufficient to cause death in any course of nature, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge