

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.1259 of 2019**

Chhedi Lal @ Komesh Kumar Lohar, S/o Khamhan Singh Viswakarma,
aged about 38 years, R/o Village Armarikala, Thana Gurur, District Balod
(CG). **---- Applicant**

Versus

State of Chhattisgarh, Police Station Gurur, District Balod (CG).
---- Non-applicant

For Applicant : Mr. Samir Singh, Advocate.

For Non-applicant/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.03.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.103/2018 registered in Police Station Gurur, District Balod for the offence punishable under Sections 294, 506, 394, 307/34 of Indian Penal Code.
3. Prosecution story in brief is that on 12.05.2018 at about 2:30 p.m. at village Koshagondi, the applicant and co-accused persons Khemchand Yadav @ Chutiya, Premlal Sahu and Bholaram Sahu abused the complainant Shrawan Kumar Nirmalkar and gave threat to kill him and caused injury on his head by wooden club. Co-accused Khemchand Yadav @ Chutiya pressed the neck of complainant Urwashi Nirmalkar and the applicant tried to cause blow by boulder on the head of the complainant Deepa Bai. The complainant Shrawan Kumar Nirmalkar pushed the applicant thus boulder fell on earth. The applicant beat complainant Deepa Bai by hands and fists. As per MLC report of complainant Urwashi Nirmalkar, no external injury was found on her body. As per MLC report of complainant Deepa Bai Nirmalkar, scratch and pain were found on her body. As per MLC report of Shrawan Kumar Nirmalkar, scratch and swelling were found on his head.
4. Counsel for the applicant submitted that the applicant is innocent

and has been falsely implicated in the present case hence he may be released on bail.

5. Counsel for the State opposed the bail application. However, he submitted that no criminal antecedent of the applicant is reported in police case diary.
6. As per X-ray report, no abnormality was deducted on the body of complainant Shrawan Kumar Nirmalkar. As per query report, death was possible from the seized object. There is no query about as to whether the injury of complainant Shrawan Kumar Nirmalkar was sufficient to cause of death or not.
7. Looking to the above facts and circumstances of the case, the bail application is allowed. It is ordered that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/-along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit any such type of offence in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-