

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3480 of 2019

Ramesh Banjara, S/o. Manrakhan Banjara, Aged About 39 Years, R/o. Baihakapa, Police Station -Lalpur, Tahsil and District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Lalpur, District Mungeli Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashutosh Trivedi, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.
For Objector	: Mr. Dharmesh Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/07/2019

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.47/2019, registered at Police Station –Lalpur, District – Mungeli (C.G.) for the offence punishable under Section 294, 323, 506 & 307 of Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 17.04.2019. No case is made out against the applicant for commission of offence under Section 307 of I.P.C. It had been a simple quarrel of the applicant with the victim and others. None of the injuries

caused to the victim of this case are fatal in nature, therefore, it may be case of either 325 or 326 of I.P.C. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is statement of the victim that applicant has assaulted him with intention to cause his death, therefore, the application be rejected.
4. Counsel for the objector submits that Ronit Bhardawaj is the victim of this case, who has suffered a fracture of nasal bone and he has also lost sight in his left eye, therefore, looking to the gravity of the offence, the applicant is not entitled for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The prosecution case is this that on the date of incident, this applicant arrived on the spot, where Panchayat meeting was going on. The applicant firstly abused the father of the victim and when victim came to intervene, the applicant assaulted him with a club causing injuries on his nose, head and other parts of the body. Hence, this case.
7. Considered on the submissions made and the contents of the case diary. On perusal of the entire material present in the case diary and the medical evidence regarding the injury caused to the victim of this case, it appears that the trial Court will have to closely examine the presence of ingredients of Section 307 of I.P.C., hence, for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge