

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6218 of 2019

- Babloo Yadav S/o Ram Kishun Yadav, Aged About 30 Years, R/o Village Gopalpur, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant –Shri Goutam Khetrapal and Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-10-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is repeat bail application before this Court filed by the applicant for grant of regular bail. His earlier application for grant of regular bail, MCRC No.5107/2019 was dismissed as withdrawn with respect to him. The applicant has been arrested on 22-06-2019 in connection with Crime No.145/2019 registered at P.S. - Rajpur, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 147, 148, 149, 323, 452, 307, 294 of the IPC.

2. It is submitted on behalf of the applicant that the charge sheet has been filed after completion of the investigation and the material present in the charge sheet itself shows that the injuries caused to Rajmaniya Bai are simple in nature and this applicant was not the person who caused her injuries. Regarding the allegation that this applicant caused injury to Mahesh Yadav, it is submitted that the injuries caused to him also are of simple nature, therefore, no case is made out for commission of offence under Section 307 of the IPC. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. As alleged, on the date of incident, this applicant along with other co-accused persons out of previous enmity assaulted with clubs and axe Rajmaniya Bai, Mahesh Yadav, Sushila Yadav, Gunnu Yadav, Abhimanyu and Rupkaliya Yadav causing injuries to them. It is alleged that this applicant caused injury to one Mahesh Yadav.
6. After perusal of the medical examination report of Mahesh Yadav and other evidence present in the case diary and in the case, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge