

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 535 of 2019

Amir Singh S/o Shri Amardas Satnami Aged About 52 Years R/o Sajjapani,
Police Station- Akaltara, District- Janjgir- Champa, Chhattisgarh., District :
Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through District- Magistrate, Janjgir- Champa,
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For applicants	:	Shri Ashutosh Trivedi, Advocate.
For resp./State	:	Shri Rahul Mishra, Dy.GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/03/2019

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 210/2018 registered at Police Station Akaltara, District Janjgir-Champa (C.G.) for the offence punishable under Sections 307, 294, 323 & 506(B) & 34 of I.P.C.
2. Present applicant is in jail since 17/11/2018.
3. The case of the prosecution against the present applicant is that, the present applicant in connivance with the other accused person is said to have entered into a free fight over a property dispute with the complainant and in the process few persons have received injuries and one of whom Shatilal Khande got grievous injuries.

4. The counsel for the applicant submits that undisputedly there was a property dispute between the two groups and there was a free fight between the two groups and there have been injuries sustained by people on either side and a case and a counter case also been registered against both the groups. Counsel for the applicant further submits that one of the co-accused person Rajju Lal in the present Crime No. has already been enlarged on bail by this Court vide MCRC No.7962/2018 on 12/11/2018 and thus prayed for releasing the applicant on bail.
5. The State counsel on the other hand opposing the bail application submits that, it is a case where the present applicant is the main accused person who was instrumental in causing the injuries to the complainant side and Shanti lal Khande main injured person sustained injuries at the hands of present applicant. Thus prayed for rejection of the bail application.
6. Having heard the contentions put forth on either side and on perusal of record, particularly taking into consideration the period of custody undergone and nature of allegations and the fact that there was a free fight between two groups and a case and a counter case registered against the two persons and one of the co-accused person already been enlarged on bail in the said case by this Court , this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Rohit

Sd/-
(P. Sam Koshy)
JUDGE