

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2480 of 2020

Suleman Ronu S/o Laybaan Aged About 55 Years Caste- Isai , R/o Village Kasturi (Kashtari Wrongly Mentioned In Order Sheet), Thana Nagarnaar Tahsil Jagdalpur, District Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Nagarnaar, District Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikas Shrivastava, Advocate
For State	:	Shri Sudeep Agrawal, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/08/2020

Heard.

1. At the outset, learned counsel for the applicant seeks to withdraw IA No.4 of 2020, application for modification of order dated 4.6.2020.
2. Accordingly, the application for modification is dismissed as withdrawn.
3. Learned counsel for the applicant submits that the affidavit has now been filed.
4. The applicant has been arrested in connection with Crime No. 9/2020 registered in Police Station -Nagarnaar, District- Bastar (CG) for alleged commission of offence under Sections 294, 323, 506 & 307 IPC.
5. Case of the prosecution, in brief, is that in a fight between the applicant and the victim, applicant assaulted the victim with the help of a club,

resulting in a fracture injury on the head. According to the prosecution, the applicant assaulted the victim with an intention to cause his death.

6. Learned counsel for the applicant would argue that in the present case, the prosecution story is exaggerated. He would submit that there is only one injury caused on the head which resulted fracture. The applicant has not used any sharp edged weapon or firearm to cause injury. Learned counsel for the applicant also submits that there was only a single blow and it was not repeated, therefore, it cannot be said that applicant had any intention to cause death.
7. On the other hand, learned counsel for the State opposed the bail application by submitting that present is a case where the applicant gave a forceful lathi blow on the head of the victim so much so that a fracture occurred, therefore a prima facie case of commission of offence under Section 307 IPC is made out.
8. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the injury is not caused by any sharp edged weapon or firearm and that it was a case of single blow and further considering that the investigation is complete and charge sheet has been filed, it is a fit case for grant of bail.
9. The application is accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge