

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2778 of 2020**

- Pawan Kumar S/o Ramkhilawan Bairagi Aged About 39 Years R/o. Balod (Hasuwa), P.S. Gidhauri, District- Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gidhauri, District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant/s	:	Ms. Supriya Upasane, Advocate.
For State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****25/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.96/2020 registered at Police Station- Gidhauri District- Balodabazar-Bhatapara, (C.G.) for the alleged commission of offence under Sections 294, 323, 506 & 307 r/w 34 of IPC.
2. Prosecution case is that the applicant and other co-accused entered the house of Foolsai Patel and they assaulted Foolsai Patel, Vishram Patel and Ramnivas Patel, in which, Foolsai Patel sustained grievous injury on the head. According to the prosecution, the applicant and other accused assaulted Foolsai Patel with intention to cause death.
3. Learned counsel for the applicant would submit that the applicant has been involved only on suspicion. In the FIR, which was lodged instantaneously within 3 hours of the incident by injured witness Vishram Patel, applicant has not been named and it has been stated in the FIR that all the assailants, who came in the mid night, covered their faces and they had broken the light source. In the case diary statements recorded after three days, the injured persons have now started involving the present applicant. It is further submitted that investigation is complete and charge sheet has been filed, at

this stage, applicant may be granted bail.

4. On the other hand, learned counsel for the State opposes and submits that the main injured person namely-Foolsai Patel, who had sustained as many as 5 injuries including grievous, has clearly named the applicant as one of the assailants. He would submit that at this stage, when the main injured witness has clearly named the applicant, a prima facie case is made out particularly when in the case diary statement, other injured namely-Vishram Patel and Ramnivas Patel have also named the present applicant.
5. On prima facie consideration, from FIR it is revealed that it was lodged within three hours of incident by Vishram Patel, who was also injured. According to the FIR, all the assailants had come in the mid night and their faces were covered. Light source was also broken and then assault was opened. It is only after three days when case diary statements have been recorded that the name of the applicant was involved. Moreover, there is no material to show that in the lathi allegedly seized from the applicant, was found to be stained with human blood. Therefore, considering the aforesaid material, particularly taking into consideration that investigation is complete and charge sheet has been filed, present is a fit case for grant of bail.
6. Accordingly, the bail application is 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 one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge