

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 6945 of 2020**

- Gopi Kshatriya, s/o Rupesh Kshatriya, aged 19 years, r/o BSUP Colony Amlidih, PS New Rajendra Nagar, District-Raipur

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh Through New Rajendra Nagar, Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Satyendra Shrivastava, Advocate
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**09.12.2020**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.201 of 2020 registered at Police Station New Rajendra Nagar, District Raipur CG for the offences punishable under Sections 147, 148, 149, 307/34 of IPC.
2. Case of the prosecution in brief is that on 03.08.2020 at about 6.30 pm when Harpal @ Bhola, Kishore along with other three persons were sitting near the pond, the applicant along with other 3-4 friends including Roshan started quarrelling with them. In the said incident, Gopi assaulted Kishore and Kaldhar Bagh by knife and caused grievous injuries over their person.
3. Learned counsel for the applicant submits that when the applicant along with his friends were crossing Puraina pond, Kishore and Harpal @ Bhola and other friends have obstructed them and started quarrelling. Due to the free fight which took place between the two groups, Kishore and Kaldhar Bagh suffered injuries. The applicant has not committed any assault upon any

person with knife and he has not committed any offence as alleged against him. Applicant is a young boy of tender age, in jail since more than four months.

4. On the other hand, Shri Sidharth Dubey, learned State counsel opposing the submission of learned counsel for the applicant submits that as per the FIR and statement recorded by the Police under Section 161, it is the present applicant, who assaulted Kishore and Kaldhar Bagh with a sharp edged weapon and the latter suffered injuries over his forehead. He also points out that Police recorded statement of Prakash, Sagar, Umesh, Arun, Abhishek, Ayush and the injured persons. He opposes the bail application on the aforementioned grounds.

5. I have heard learned counsel for the parties.

6. Taking into consideration the statement made by the eyewitnesses, who are associated with Kishore and Kaldhar Bagh at the time of incident, and further taking into consideration the manner in which the incident took place, tender age of the applicant ie 19 years the period of pre-trial detention, and criminal past is pointed out by the counsel for State I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma