

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6621 of 2020

- Udayram Nirmalkar S/o Late Budhram Nirmalkar Aged About 71 Years R/o Village- Tenganmada, Out Post- Belgahna, Police Station- Kota, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Out Post- Belgahna, Police Station- Kota, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Gagan Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.12.2020

1. The applicant has preferred this application u/s 439 of Cr.P.C. for grant of bail as he is arrested on 29.08.2020 in connection with Crime No. 345/2020 registered at Police Station Kota out post- Belgahna District Bilaspur (C.G.) for offence punishable under sections 294, 506, 323, 307 & 201 of IPC.
2. As per the prosecution case on 20.08.2020 for the reason of land dispute the applicant assaulted the victim namely Miss Kamla Nirmalkar by way of club on her head and other parts of the body. Subsequently, she was admitted to the hospital and after discharge on 28.08.2020, the report was logged.
3. Learned counsel for the applicant would submit that the applicant is aged about 71 years and there was no intension to kill as otherwise at the place of incident the applicant could have executed his motive and it was because of the earlier dispute, the incident happened. He further submits that charge sheet has been filed, therefore, the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the medical documents. *Prima facie*, no opinion is given.

Considering the age of the applicant and the background of the incident and considering that the charge sheet has been filed, I am inclined to grant bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti