

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6761 of 2020**

- T. S. Saji @ Ballu S/o T. O. Javiyar, Aged About 22 Years R/o Bapu Nagar, Khrseepar, Bhilai, P.S. Khurseepar, Durg, Tahsil and District Durg Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through District Magistrate, District : Durg, Chhattisgarh

---- **Respondent**

For Applicants : Shri Avinash Chand Sahu, Advocate
 For Respondent/State: Shri Sameer Uraon, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****09/11/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.350/2019 registered at Police Station Khurseepar, Bhilai, District Durg for the offence punishable under Section 307, 294, 506, 323 of the IPC. The applicant was arrested on 23-01-2020.

2. Case of the prosecution, in brief, is that on 27.10.2019 at about 11:20 in the night, after crackling fires, a dispute arose between two group of persons involving present applicant on one hand and victim C.H Girish on the other. It is alleged that at that time, the applicant and other accused persons assaulted the deceased with baseball bat, bricks, hands and fists, in which, the victim sustained one fracture in the parietal bone. It is alleged that the applicant assaulted the victim with an intention to cause his death.

3. Learned counsel for the applicant would argue that as far as present applicant is concerned, there is no specific allegation of he using any weapon to give assault. According to victim, the applicant had used hands and fists and the allegation of giving assault with the help of weapon is on other persons.

Therefore, it is prayed, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the diary statement of victim C.H. Girish shows that not only the other accused, but the present applicant also joined other accused in giving assault, resulting in fracture injury on the head of the victim which clearly shows intention of causing death.

5. Taking into consideration the submissions made by learned counsel for the parties, considering the role alleged to be played by the applicant and that there is one single fracture injury and further considering that another co-accused is stated to have given assault by baseball bat on the head of the victim and further that investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. 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.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge