

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 1348 of 2021

Durgesh Dhruv @ Golu Dhruv S/o Late Dukhram Dhruv, Aged About 24 Years, R/o -Housing Board, Patpar Bhatapara, Police Station -Bhatapara (Gramin), District- Baloda Bazar- Bhatapara, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police Station- Bhatapara (Gramin), District- Baloda Bazar- Bhatapara, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For Respondent/State	: Mr. Vimlesh Bajpayee, GA.

(Proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, J

Order on Board

06/07/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.548/2020, registered at Police Station - Bhatapara (Gramin), District- Baloda Bazar- Bhatapara, (C.G), for the offence punishable under Sections 147, 148, 294, 506 & 307 of the Indian Penal Code.
2. Case of the prosecution is that on 15.12.2020, complainant Manoranjan Sahu was going to trace whereabouts of Satish Soni, who is working with him. On the way near canal Bridge, he met one Ms. Durga Yadav, as he was engaged in selling of vegetables, Durga Yadav identified him and requested to drop her at Panchsheel Nager. After dropping Durga Yadav, he went to house of Satish Soni where he found that his door was locked, therefore, he returned to his house. In the evening, he received a call from Kanha Yadav, who called him near Housing Board Colony Gate.

When complainant reached there, applicant alongwith four other co-accused persons were already present there. The present applicant assaulted complainant by means of Blade due to which, he suffered three injuries on his forearms and one injury on his neck. On the basis of report lodged by the complainant before concerned Police Station, the aforementioned offence was registered against present applicant and four other co-accused persons.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. No such crime, as alleged, was committed by him in any manner. Injuries suffered by the complainant are reported to be simple in nature. Other co-accused persons namely Kanha Yadav, Khilawan @ Bittu, Pushkar Raj @ Babu Bhai & Dhannu Yadav have already been released on bail by the Court below. Applicant is in jail since, 17.12.2020, hence, he may be released on bail.
4. Learned counsel for the State opposes the submissions made by learned counsel for the applicant and submits that it is the present applicant who assaulted the complainant by means of sharp edged weapon (Blade), therefore, he is not entitled for grant of bail. However, on a specific query put to learned State Counsel with regard to the nature of injuries suffered by the complainant, he replied that in the MLC report injuries have been mentioned to be simple in nature.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations levelled against the applicant, period of detention of applicant, without commenting anything on merits of the case, I am inclined to allow this bail application.

7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-

a) Applicant shall appear as and when directed by the investigating agency during the course of investigation.

b) Applicant 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.

c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-