

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1947 of 2021

Mahendra Kumar Mourya, S/o. Shri Sarju Prasad Mourya, Aged About 56 Years, R/o. Mopka, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Taarbahaar, District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Harshwardhan Parganiha, Advocate

For Respondent : Mr. Gagan Tiwari, Dy. Govt. Advocate

For Objector : Mr. Ajay Kumar Dwivedi, Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

07.07.2021

1. This is the 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.202/2020 registered at Police Station Taarbahaar, District Bilaspur, for the offence punishable under Sections 294, 323, 324, 326, 506 read with Section 34 of Indian Penal Code.
2. As per the prosecution case, on 01.10.2020 the applicant while entering into certain area i.e. Godown dashed to a gate for which the quarrel broke out and thereafter Aslam & Akram was assaulted along with other persons and the applicant also abused them and thereafter assaulted by rod.
3. Learned counsel for the applicant would submit that the incident happened because of the parking and unloading of the vehicle, as it was not permissible in the day time and the objection was raised that it should not be unloaded at night and the nature of injury of

Aslam is simple and in respect of Akram the nature of injury would show that it is not fatal. He further submits that the applicant is in jail since 18.10.2020, the charge sheet has been filed and no further investigation is required; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of bail and would submit that forehead injury was caused and the way the offence has been committed, the applicant was the aggressor, therefore, the applicant may not be released on bail.
5. Perused the statement and the medical report. The medical report of Aslam is simple whereas medical report of Akram shows that the injury though was there but not fatal to life. Considering the pretrial detention of the applicant as he is in jail since 18.10.2020 and taking into the nature of allegation and the fact that the charge sheet has been filed and no further investigation is required, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge