

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2137 of 2021

- Kapil Rathiya S/o Jhanak Rathiya, Aged About 48 Years R/o Village Tilaidarha, Tahsil Lailaunga District Raigarh Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Officer-In-Charge Police Station Lailunga, District Raigarh Chhattisgarh,

---- Respondent

For Applicant	–	Mr. Ashutosh Mishra, Advocate
For State	-	Mr. Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2021

1. This is the first bail application filed under Section 439 of CrPC for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 08/2021 registered in Police Station Lailunga Distt. Raigarh (C.G.) for offence punishable under Sections 307, 394, 34 of Indian Penal Code.
2. As per prosecution case, on 06.01.2021 when the complainant Purushottam was returning on his motorcycle to his village, then near the village Karranala and Lathrey forest, the applicant attacked him, looted the amount and assaulted the complainant with club and the bamboo stick.
3. Learned counsel for the applicant submits that the injury is grievous in nature and the incident happened due to some quarrel which took place between the applicant and the accused. He submits that the chargesheet has been filed, no further investigation is necessary, therefore the applicant may be enlarged on bail.
4. Learned State counsel opposes the submission made by learned counsel for the applicant and submits that the club and the sickle were seized from the applicant

and the injury caused was grievous in nature.

5. Considering the medical opinion, the fact that the chargesheet has been filed and the applicant is in jail since 07.01.2021, I am inclined to release the applicant on 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

Vishakha