

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7398 of 2020**

- Anil Kumar Koshale S/o Mehttar Koshale Aged About 32 Years R/o Ward No. 3, Guru Ghasidas Ward, Magarlod, P.S.- Magarlod, Distt.- Dhamtari (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through, Police Station - Magarlod, Distt. - Dhamtari (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Akhand Pratap Pandey, Advocate
For State	:	Smt. Fouzia Mirza, Addl. Adv. Gen.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****22/01/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.101/2020 registered at Police Station – Magarlod, District – Dhamtari (C.G.) for alleged commission of offences under Section 294, 323, 506b, 307 of IPC.
2. Prosecution case is that the applicant aggrieved by defeat of his brother in the election, came to the victim and made allegations that because of the victim, his brother lost the election and he picked up a bottle and assaulted on the victim resulting in grievous injuries endangering his life. At the time of assault, it was declared that the applicant would kill the victim.
3. Learned counsel for the applicant submits that the allegations against the applicant are exaggerated. It is not a case of the prosecution that the applicant had come armed with weapon. It is submitted that at the most, it is a case of quarrel at the spot and the applicant gave an assault with the bottle which was incidentally lying over there.
4. On the other hand, learned State counsel would submit that the applicant

declared that he would kill the deceased and then he picked up a bottle, assaulted him resulting in grievous injuries. Therefore, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that the applicant had not come armed with weapon and at the spot, he picked up the bottle and the nature of injury and attending circumstances of the case and also that charge sheet has been filed and the applicant is in jail since 09/06/2020, I am inclined to grant bail to the applicant.

6. Accordingly, the application is 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 Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

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