

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6942 of 2021

Buddhalal @ Chhedilal Dewangan S/o Laxman Dewangan Aged About 60 Years R/o Ward No. 12, Daihan Chowk, Nayapara, Sirgitti District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station- Sirgitti District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Hemant Kumar Agrawal, Advocate
For Non-applicant	:	Ms. Seema Dixit, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

29/11/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No. 327/2021 registered at Police Station -Sirgitti, District-Bilaspur (CG) for the offence punishable under Section 307 read with Section 34 IPC.
2. Case of prosecution is that on 6.7.2021, when injured/victim was wandering in front of his house after taking dinner, applicant along with one Ramayan Dewangan came there, started abusing him and when the injured/victim obstructed, they started assaulting him by means of club, hands and fists. During quarrel, other co-accused Deepak Vishwakarma came there. Ramayan asked Deepak to inflict

injury to the victim by means of knife. Immediately thereafter Deepak, co-accused has given stab injury on victim's abdomen and thereafter ran away. Injured was immediately taken to the hospital and thereafter complaint was lodged to the concerned police station.

3. Shri Hemant Kumar Agrawal, learned counsel appearing for the applicant would submit that the allegation against the present applicant is only that he was abusing and assaulting the victim by means of hands and fists. The allegation of assault by means of club and stab injury was against two other co-accused persons i.e Ramayan and Deepak. He further submits that allegation of provoking for causing stab injury by means of knife is also against Ramayan. Applicant is aged 60 years and in jail since 7.7.2021 and there is no criminal antecedents against him, hence, he may be enlarged on bail.
4. Learned counsel for the State opposes the submissions made by learned counsel for the applicant and would submit that present applicant is also involved in commission of crime. He was also present at the time of quarrel when the co-accused Deepak caused stab injury on the abdomen of victim. Victim was admitted in the hospital for about 28 days and the bowel has come out due to knife injury. In view of the allegation levelled against the applicant, he is not entitled to grant of bail. However, she do not dispute the submission of learned counsel for the applicant that allegation of provoking Deepak for causing stab injury is only against Ramayan.
5. I have heard learned counsel for the parties.

6. Taking into consideration the facts and circumstances of the case, nature of allegation, the fact that in the statement recorded under Section 161 of Cr.P.C. and FIR, allegation of provoking for causing stab injury is against co-accused Ramayan and the allegation of causing stab injury is against Deepak, applicant is in jail since 7.7.2021, he is aged about 60 years, without commenting anything on merits, I am inclined to allow the bail application.

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

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant 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