

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.7636 of 2021

- Nandlal Syamle, S/o Ramnarayan, aged about 45 years, R/o Shankarpur, P.S. Raghunathnagar, District Balrampur Ramanujganj (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Police Station- Raghunathnagar, District- Balrampur Ramanujganj (CG).

....Non-applicant

For Applicant	:	Mr. A.K. Yadav, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

01.12.2021

1. This is first application on behalf of applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in custody since 25.8.2021 in connection with Crime No.55/2020 registered at Police Station Raghunathnagar, District Balrampur Ramanujganj (CG) for commission of offence punishable under Sections 294, 506, 323, 307 r/w 34 of IPC.
2. Case of the prosecution, in brief, is that on 19.6.2020 at about 8:00 p.m. applicant along with co-accused Devlal went to agriculture field of injured- Lalchand, asked him as to why he is carrying out agriculture activities on field and thereafter some quarrel took place between them. After some time, applicant along with co-accused Devlal and Ghulender again went to agriculture field of injured; assaulted him by means of club, hands, legs and fists. When Samudri, daughter of injured, tried to intervene, they pushed her. In the incident, complainant suffered fracture in calvarium over frontal bone of head. Incident was reported to concerned police station based upon which crime in question is registered, applicant was arrested on 25.8.2021. Co-accused persons were also arrested on different dates.
3. Mr. A.K. Yadav, learned counsel for applicant would submit that there is no specific allegation of assault by applicant on any vital part of injured. As per allegation, all four accused persons were armed with club; co-accused Devlal & Dhulendar assaulted injured by means of

club. Applicant is in jail since 25.8.2021. Injured was discharged from hospital within a period of five days without any complication. Hence, applicant may be enlarged on regular bail.

4. On the other hand, Mr. Vaibhav Singh, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that as per allegation, applicant along with co-accused persons came on spot second time with pre-meditated mind to cause grievous injuries to injured. Injured suffered grievous injury on his head and as per opinion of doctor, had proper treatment not been provided to injured, he would have died due to injury. Hence, application is not entitled for benefit of regular bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations; nature of injuries of injured; manner in which incident occurred; applicant is in jail since 25.8.2021, without commenting anything on merits of case, I am inclined to enlarge applicant on regular bail.
7. Accordingly, bail application is allowed and it is directed that 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 trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with the prosecution witnesses.
 - c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-