

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7587 of 2021**

Ratanlal Netam S/o Shri Rishnuram Netam, Aged About 37 Years, Caste Gond, R/o Mahmalla, Police Station Dugli, Tahsil Nagri, District- Dhamtari Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Dugli, District- Dhamtari Chhattisgarh.

---- Non-applicant

 For Applicant : Mr. Purendra Khichariya, Advocate
 For Non-applicant/State : Mr. Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****01.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 29.06.2021 in connection with Crime No.14 of 2021 registered at Police Station Dugli, District Dhamtari (C.G.) for commission of offence punishable under Sections 294, 323, 506(B), 326 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.06.2021, there is Gram Sabha meeting of Village Panchayat Bandha. Applicant and injured both attended meeting. After completion of meeting when injured boarded his motorcycle for returning back his house, at that relevant time, applicant thrown brick upon the complainant, which hit on his head, due to which, he fell down and suffered injury. He was taken the hospital, upon diagnosis, it was found that he suffered fracture of left temporal bone. Incident was

reported to concerned police station, based upon which, aforementioned crime was registered against the applicant and he was arrested on 29.06.2021.

3. Mr. Purendra Khichariya, learned counsel for the applicant would submit that from the contents of FIR and statement recorded under Section 161 of Cr.P.C., it is apparent that there was no intention of applicant of assaulting and causing injury to complainant, there is no motive. He submits that as per allegation, applicant has thrown a brick over injured/complainant and it is not the case that applicant assaulted directly upon deceased by means of brick. Injured was discharged from the hospital within 8 days of his admission, without any complication. Applicant is in jail since 29.06.2021, hence, he may be enlarged on regular bail.
4. Per contra, Mr. Sudhir Sahu, learned Panel Lawyer for the State opposing the submissions made by learned counsel for the applicant, would submit that applicant caused serious and grievous injuries over complainant, hence, he is not entitled for benefit under Section 439 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, the manner, in which, alleged incident occurred and complainant suffered injuries, offences are triable by Magistrate, applicant is in jail since 29.06.2021, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the 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 the 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