

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7284 of 2021

Mukesh Chouhan S/o Balbhadra Chouhan, Aged About 27 Years R/o Chouhan Para, Sarangarh, Tahsil Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Police Station Sarangarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Amit Singh, Advocate
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer

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

Order On Board

14/12/2021

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.219/2021 registered at Police Station- Sarangarh, District- Raigarh (C.G.) for the offence punishable under Sections 307, 294, 506, 327, 323 read with Section 34 of IPC.
2. Case of prosecution is that on 15.4.2021 at about 8:00 pm, after hearing some noise of quarrel, complainant came out from her house and saw that applicant along with Jashesh, Tarachand and others, on the ground of consumption of liquor, were abusing Vinay Chauhan. Jashesh caused injury to Vinay by means of knife. Other

accused persons Mukesh and Tarachand have assaulted by means of club and hands & Fists. Based on the complaint, aforementioned crime was registered against applicant and he was arrested on 25.5.2021.

3. Shri Amit Singh, learned counsel for applicant would submit that the applicant has not caused any injury to Vinay Chauhan. Though applicant was present on the spot when dispute took place with Jashesh on the ground of consumption of liquor but it is co-accused Jashesh who caused grievous injury by means of knife to injured Vinay. He also submits that there is no recent criminal antecedent against applicant. Applicant is in jail since 25.5.2021. Trial may take some time, hence, applicant may be enlarged on regular bail.
4. Mr. Sudhir Sahu, learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that injured has specifically named the applicant in statement recorded under Section 161 of Cr.P.C. of causing injury to him. Applicant has also participated in the crime by causing injury to victim by means of club. Upon making specific query, learned counsel for the State submits that there is no mention of any criminal antecedent against applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against applicant, manner in which the dispute arose between accused person and the injured,

applicant is in jail since 25.5.2021, 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 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) 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