

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7614 of 2021

Ramnarayan Gond S/o Late Hublal, Aged About 28 Years, R/o Village Dhadhiya Jhorali Para Police Station Chalagali, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, Chalagali, District-Balrampur-Ramanujganj (Chhattisgarh).

--- Respondent

For Applicant	: Mr. Rahul Mishra, Advocate.
For State	: Mr. Anilt Tripathi, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

21/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.17/2021, registered at PS - Chalagali, District-Balrampur-Ramanujganj, (C.G.), for commission of offence punishable under Sections 294, 506 and 307 of IPC.
2. Case of prosecution is that on 09.03.2021 at about 07:00 pm applicant went to Kothar of Balroop (injured) and started quarreling with him on the ground of consuming liquor. During course of quarrel, applicant by means of club assaulted Balroop. Due to which, Balroop suffered liner fracture injury over his left temporal bone including other injuries, he was taken to Hospital. Incident was reported to concern Police Station based upon which, FIR was registered against applicant initially for offence punishable under Sections 294, 506 and 323 of IPC. Subsequently, during course of investigation based on report of doctor, charge sheet is filed for offence punishable under Sections 294, 506 and 307 of IPC.
3. Learned counsel for applicant submits that applicant under influence of liquor assaulted Balroop (injured), but he was not having any intention to cause injury of such nature. There is no other criminal antecedents against applicant. He is in jail since 16.03.2021, hence, he may be released on regular bail.

4. Learned State Counsel opposes the submissions of learned counsel for applicant and submits that applicant on the ground of consuming liquor assaulted Balroop by means of club, due to which he suffered grievous injuries. Hence, he is not entitled for grant of bail. However on putting specific query to State Counsel with regard to criminal antecedent against applicant, after going through case diary, he submits that in case diary no criminal antecedent is mentioned against applicant.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegations, submission of learned counsel for parties that there is no previous antecedent against applicant, manner in which alleged incident stated to have taken place, period of pre-trial detention of applicant since 16.03.2021, without commenting anything on merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is allowed. It is directed that applicants shall be released on regular bail, on their furnishing a bail bond in sum of **Rs.25,000/-** with one surety in like sum to satisfaction of concerned Court on the conditions that-
 - a) Applicant shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he 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

Jamal/-