

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8225 of 2021**

- Daulat Pal S/o Durga Pal, aged about 26 Years R/o Village Surdung, P.S. Jamul, District Durg, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station Jamul, District Durg, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Utkal Pradhan, Advocate
For Non-applicant/State	: Mr. B.P. Banjare, Panel Lawyer

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****08/12/2021**

1. Applicant has filed this Second bail application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 399/2021 registered at Police Station Jamul, District Durg (C.G.) for the offence punishable under Section 147, 148, 294, 307, 323 of IPC.
2. Case of prosecution is, that on 04.09.2021 at about 09:30 pm, initially the dispute between Prakash Pal and Rakesh Dewangan took place on account of not giving chicken to Prakash Pal on credit. Thereafter, applicant along with his brothers and father came on spot armed with hockey stick, club and assaulted victim Rakesh Dewangan on his head and leg. In the said incident, Rakesh Dewangan suffered injuries over his head and fracture injury over his left leg. He was immediately taken to hospital and thereafter FIR was lodged. Applicant was arrested on 07.09.2021.
3. Mr. Utkal Pradhan, learned counsel for the applicant would submit that on the alleged date of incident, applicant started abusing

Prakash Dewangan and assaulting him. When applicant along with other family members reached on spot they were also assaulted. Father of applicant got incised injury over his left palm which shows that it is Rakesh Dewangan who was aggressor. Prakash Pal lodged FIR to concerned police station as Annexure A-2. Immediately after incident, counter FIR on 04.05.2021 at about 11:15 pm was registered by wife of Rakesh Dewangan only to pressurize complainant Prakash Pal. Applicant is in jail since 07.09.2021, hence, he may be enlarged on regular bail.

4. Mr. B.P. Banjare, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that co-accused Prakash Pal has abused and assaulted Rakesh Dewangan initially as the injured person was not giving chicken from his shop on credit to Prakash Pal. He also submits that applicant assaulted the injured by means of hockey stick due to which he suffered fracture injuries over his left leg. Injuries suffered by victim are grievous in nature, hence, applicant is not entitled for grant of bail.
5. I have heard learned counsel for the respective parties.
6. Having regard to the facts and circumstances of the case, manner in which aforementioned incident took place initially with Prakash Pal and thereafter other persons including applicant who reached on the spot. The allegations against applicant are that he was armed with hockey stick. Counter FIR against Rakesh Dewangan who is victim in the instant crime, period of detention from 07.01.2021, 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 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) He 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

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