

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2937 of 2015**

1. Ramdev Ram, S/o Sobhnath, aged about 52 years, R/o village Malgawan, PS Ambikapur, District – Sarguja (C.G.)

---- Applicant

Versus

1. State Of Chhattisgarh Through: Station House Officer, Police Station House, Ambikapur, Distt. - Sarguja (C.G.)

---- Non-Applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate.
For Respondent/State	:	Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/06/2015**

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 10.01.2015 in connection with Crime No. 14 of 2015 registered at Police Station Ambikapur, District - Sarguja (CG), for the offence punishable under Section 307 of the IPC.
2. The case of the prosecution, in brief, is that on 9-1-2015 present applicant assaulted the victim by axe (tabbal) as a result of which he sustained grievous injury which is sufficient to cause death and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that the complainant/victim intervened in the dispute between the applicant and his wife and in the course of that intervention, victim sustained injury which is an accidental in nature. The injury sustained by the victim is simple in nature. Charge sheet has been filed in the case, applicant is in jail since 10.01.2015 and no useful purpose would be

served by keeping the applicant in jail, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposing the bail application would submit that the axe was recovered from the possession of the present applicant and looking to the nature of injury, the applicant is not entitled to be released on bail.
5. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, defence of the applicant, charge-sheet has been filed, pre-trial detention of the applicant, and further taking into consideration the nature of injury sustained by the victim, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
6. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Raju