

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7218 of 2015

1. Mukesh Verma, S/o. Shri Vikram Verma, aged about 23 years, R/o. Tarun Nagar, P.S. : Civil Lines, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Police Station – Civil Lines, Raipur (C.G.)

---- Respondent

For Applicant	: Mr. N. Naha Roy, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.583/2015, registered at Police Station – Civil Lines, Raipur, District – Raipur (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that 26.09.2015 at about 10.10 PM, the applicant assaulted one Durgesh Dhruv at the time of Ganesh Pooja. Subsequently, the matter was investigated and the applicant has been arrested and from the possession of the applicant, seizure of knife was made.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the complainant, Durgesh Dhruv has been examined before the Trial Court and placed on record the statement of the prosecution witnesses Durgesh Dhruv, Pankaj, Miniketan Tandi, Rohit Sahis, Sheikh Jamal

and submits that they have turned hostile and they have not supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the prosecution witnesses have not supported the case of the prosecution, without any observation on merits, I am inclined to release the applicant on bail. However, it is made clear that this Court has not expressed any opinion and at the time of final hearing, the Trial Court shall be at liberty to form its opinion even the witnesses have turned hostile.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge