

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1474 of 2016**

Devanand Barik, S/o Shri Arjun Barik, aged about 24 years, R/o Village Gotma, Police Station Pusaur, District Raigarh (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Pusaur, District Raigarh (CG).

---- Non-applicant

For Applicant : Shri Ashish Gupta, Advocate
For Non-applicant : Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

15/03/2016

Heard.

(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 on 11.02.2016 in connection with Crime No.30/2016, registered at Police Station Pusaur, District Raigarh, for the offence punishable under Sections 294, 506, 323, 324, 326 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that the present applicant assaulted victim Bhagwano Yadav by axe, as a result of which, he suffered grievous injuries and, thereby, committed the aforesaid offence.

(3) Learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the crime in question and he

has not committed any offence and the injuries suffered by victim are simple in nature, which are not sufficient to cause his death and the applicant is in detention since 11.02.2016 and, therefore, the applicant may be released on bail.

(4) On the other hand, learned State counsel opposes the bail application.

(5) Considering the totality of the facts, in particular, the fact that the injuries suffered by the victim are simple in nature; further considering the nature and gravity of the offence, pre-trial detention of the applicant, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(7) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-