

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 929 of 2016

Ajju @ Kadir Ahmad S/o. Late Shri Shekhsafi Ahmad, Aged about 19 years, resident of Jawaharpara, Balod, Police Station Balod, Tehsil Balod, Civil and Revenue District Balod (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through, Station House Officer, Police Station Balod, District Balod (C.G.)

---- Respondent

For Applicant	:-	Mr. Sunil Otwani, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

15/02/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 415/2015 registered at Police Station- Balod, District – Balod (C.G.) for the offence punishable under Sections 307,147,148,149 of Indian Penal Code.
2. The first bail application of the applicant was dismissed on merit on 22.12.2015 in M.Cr.C. No. 7231/2015. However, liberty was reserved in favour of the applicant to revive bail application after examination of the victim/complainant.
3. Case of the prosecution, in brief, is that on 05.09.2015 the applicant along with other co-accused has caused assault to one Charan Das who sustained injury on his body, therefore, tried to kill the complainant and he was assaulted by way of knife.

4. Counsel for the applicant submit that the victim and the eye-witness have been examined. He further referred to the statement of the victim and the eye-witnesses and would submit that neither the victim has identified the applicant nor the eye-witnesses have not supported the case of the prosecution, therefore, the applicant may be enlarged on bail.
5. State counsel opposes the prayer for grant of bail.
6. Perused the statement of the victim which is filed along with this bail application, the statement of Jawahar, statement of the injured Charan Raute and also one witness namely Pramod. Taking the statement of the witnesses without any observation on merit and as the statement is still to be evaluated at the time of final hearing when the entire evidence is complete including the I.O., however, for the purpose of bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge