

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 5661 of 2016**

- Jaykishan Sharma S/O Yuvraj @ Jeevram Prasad Sharma R/O Village Lavan, Chauki Laven Police Station Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through : Station House Officer Of P.S. Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

-----  
For Applicant : Mr. Vijay K. Desmukh, Advocate

For Respondent/State : Mr. Sangarh Pandey, Dy.G.A.  
-----

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**18-10-2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17-7-2016 in connection with Crime No. 71 of 1993, registered at Police Station Kasdol, District Baloda Bazar, Bhatapara (CG) for the offence punishable under Sections 341, 343, 307, 147, 148 and 149 of the IPC.
2. Case of the prosecution, in brief, is that on 14-5-1993 the complainant Rudra Shankar Tiwari was going to Lavan and when he reached to village Darra, the applicant along with other co-other accused persons stopped his vehicle and thereafter assaulted him and the present applicant assaulted the complainant by way of knife and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the applicant could not appear before the court below as he was suffering from paralysis and

other co-accused persons have already been acquitted by the court below vide judgment dated 22-7-2005 passed in S.T.No. 209 of 2004 and the warrant of arrest was issued against the applicant on 29-11-2014 for which he was arrested on 17-7-2016. He would further submit that prosecution witnesses were examined in this case and they have not supported the prosecution case. It is further submitted that the applicant is in jail since 17-7-2016 and the applicant is ailing from paralysis, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the other documents.
6. Perused the judgment dated 22-7-2005 passed in S.T.No.209 of 2004 by the First Additional Sessions Judge, Baloda Bazar which would show that the witnesses have not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the fact that the applicant is in jail since 17-7-2016 and also the fact that other co-accused persons have already been acquitted by the trial Court, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju

