

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5524 of 2016

Dubi Singh, S/o. Devdhari Singh, Aged About 30 Years, Caste - Khairwar, R/o. Village – Indrapur @ Khor, Police Out Post - Vijaynagar, P.S. - Ramanujganj , District – Balrampur-Ramanujganj, Chhattisgarh, Civil District - Surguja (Ambikapur), Revenue District- Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Out Post Incharge - Vijaynagar, P.S. - Ramanujganj, District – Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Prasad, Advocate

For Respondent : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.09.2016

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 in connection with Crime No.36/2016 registered at Police Out Post- Vijaynagar, Police Station- Ramanujganj, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 307 of Indian Penal Code.
2. As per the prosecution case, the victim Devdhari Singh was sleeping below the Mahuwa tree, at that time, he was assaulted by the present applicant by way of Axe whereby his three fingers were chopped and lacerated wound was also caused in the Chest; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is the son of the victim/injured and the complainant/injured Devdhari Singh while lodging the FIR had not named the applicant instead the FIR was made against unknown person and instead catching the real culprit, the son of the applicant has been arrested.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim as also the FIR. The FIR was lodged against unknown person. Considering the fact that the applicant is not named in the FIR and he is the son of the complainant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge