NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7289 of 2016

- Abdul Rashid Khan S/o Late Shri Abdul Gani Khan, Aged About 25 Years R/o In Front Of Husaini Masjid, Talapara, Police Station Civil Lines, Tahsil & District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Devesh Chandra Verma, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-11-2016

1. This is second 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 9-8-2016 in connection with Crime No. 468 of 2016, registered at Police Station Civil Lines, Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 294, 506, 323, 307, 34 of the IPC. Earlier first bail application was dismissed on14-9-2016.

2. Case of the prosecution, in brief, is that a report was made by the victim Smt. Janet Fitchain alleging that the applicant, who is the auto driver entered into an altercation with the victim and thereafter the applicant has assaulted the victim by way of knife and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that charge-sheet has been filed in this case and the nature of injury would reveal that the injury is simple in nature. He would further submit that on trivial dispute incident happened, the applicant is in jail since 9-8-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the injury sustained by the victim is simple in nature.

5. I have heard learned counsel for the parties, perused the case diary and other documents,

6. Taking into consideration the facts and circumstances of the case and further considering the nature of injury sustained by the victim and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 9-8-2016 and no further investigation would be necessary, I am inclined to release the applicant on bail.

7. 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