

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7482 of 2016

1. Azad Singh, S/o. Devendra Singh, aged about 21 years, R/o. Birdaband, Police Station Uchka, District Gopalganj (Bihar), at present R/o. Village-Hirmi, Police Station Suhela, District – Baloda Bazar-Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Suhela, District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. A.S. Rajput, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/11/2016

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 in connection with Crime No.36/2016, registered at Police Station – Suhela, District – Baloda-Bazar – Bhatapara (C.G.) for the offence punishable under Section 294, 307/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 06.03.2016 when the complainant/victim Ranjit Rai was going back from his workplace, the present applicant along with other accused persons attacked him and after entering altercation with him, stab injury was inflicted over abdomen of the victim and thereby committed the offence.
3. Learned counsel for the applicant submits that in this case victim has been examined on 05.10.2016 and he has not supported the case of the prosecution and he has not even identified the present

applicant and turned hostile, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, she is not able to dispute the fact that victim has not supported the case of the prosecution and has turned hostile.
5. I have heard learned counsel appearing for the parties.
6. Taking into such fact that victim in this case has been examined and he has not supported the case of the prosecution and has turned hostile, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge