

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7525 of 2016

Sheikh Sahrukh, S/o. Sheikh Sattar, Aged About 23 Years, R/o. Chunabhatti, Near Hanuman Temple, Police Station Ganj, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Ganj, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Arvind Shukla, 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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.195/2016 registered at Police Station- Ganj, District Raipur (C.G.) for the offence punishable under Section 294, 323, 506-B, 307, 427, 457, 34 of Indian Penal Code and Section 25, 27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 17.07.2016, the complainant Santosh Nishad and Yashwant Nishad were interacted in between them at a loud voice and at that time the applicant alongwith other co-accused came there and objected to it and on having been objected, an altercation started and thereafter the applicant assaulted Santosh Nishad by way of Knife and also caused damaged to the property.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and there was no intention to kill. He

further submits that the nature of injury is simple in nature, charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Taking into facts and circumstances and the background of the case and the way the incident happened and further considering the nature of injury which is stated to be simple in nature and the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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