

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6186 of 2017

- Bashir Khan S/o Safil Khan, Aged About 65 Years R/o Village Khairi, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Abhishek Sharma, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/11/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.203/2017 registered at Police Station Chhuikhadan, District Rajnandgaon for the offence punishable under Section 294, 307 of IPC.
3. Case of the prosecution is that the applicant with an intention to commit murder, assaulted the complainant by a shovel on his head.
4. Learned counsel for the applicant submitted that from the statement of the complainant and the FIR, it is clear that there is no intention to cause murder, but on account of sudden quarrel and to teach lesson, the applicant had given single blow to the complainant, that too from the blunt side and there is no bony injury.
5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the manner, in which, the applicant assaulted the complainant, weapon used on the vital part of the body, the applicant is not entitled to bail.
6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the investigation is complete, charge sheet

has been filed and that injury is simple in nature and further that the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that she shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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