

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6812 of 2017**

Somnath Yadav, S/o. Shri Shivram Yadav, Aged About 29 Years, R/o. Ganganagar, Pandri, P.S. Devendra Nagar, Raipur, Tahsil and District -Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station : Devendra Nagar, Civil and Revenue District -Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. G.L. Verma, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/12/2017**

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.102/2017, registered at Police Station – Devendra Nagar, District – Raipur (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. There is no such evidence in the investigation of the case to show that applicant has committed any

offence of attempt to murder. The injuries caused to the complainant can not be said to be fatal in nature. The charge-sheet in this case is yet to be filed, applicant is in jail since 03.10.2017, filing of the charge-sheet and trial of the case is likely to take sufficient time, hence, it is prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that applicant has by using knife assaulted the complainant and caused the injuries, which could have resulted in his death, hence, applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The facts of the case are that the victim Sudama was friend of applicant. Applicant had loaned his vehicle to the victim, which was used for transportation of liquor illegally. The vehicle was seized in police action, because of which, a dispute took place in between the applicant and the victim, during which, applicant assaulted the victim with knife causing various injuries to him.
6. Considered the submissions made and the contents of the case diary. Perusing the medical report, it is evident that no injury has been caused in the vital part of the body and there is no such report that injury could have been fatal in any manner, hence, looking to this circumstances, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram